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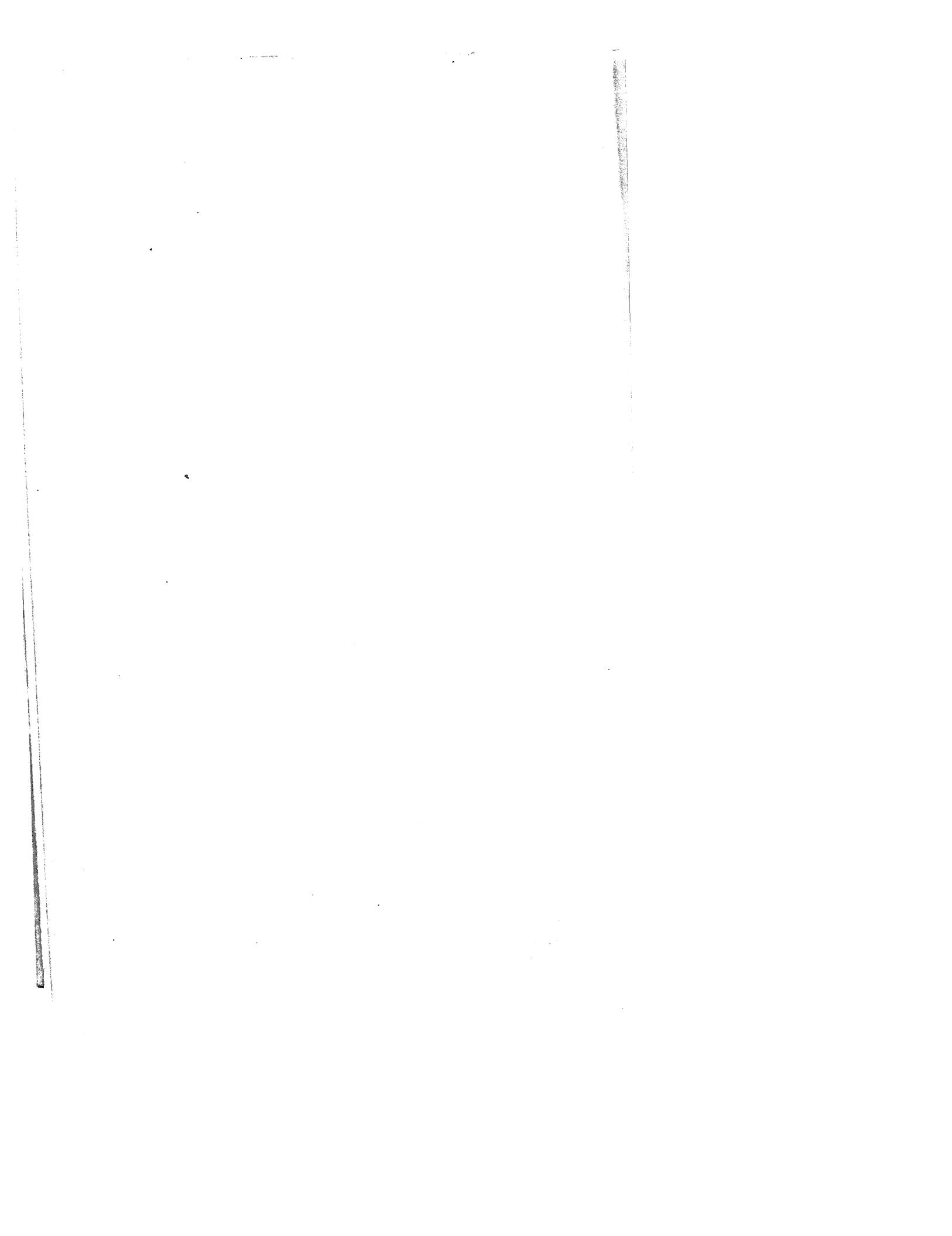
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# Constitutions of Pennsylvania *and* Constitution of the United States

Analytically Indexed and With Index  
of  
Legislation Prohibited in Pennsylvania

PREPARED BY  
JOHN H. FFRTIG, ESQ., and FRANK M. HUNTER, ESQ.,  
— UNDER THE DIRECTION OF  
JAMES N. MOORE, Director

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## PREFACE.

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This edition of the Constitutions of Pennsylvania of 1873, 1838, 1790 and 1776 and of the Constitution of the United States was prepared because there was not accessible in separate form an indexed edition of these Constitutions. An edition of the Constitution of Pennsylvania of 1873, with an analytical index and an index of subjects upon which legislation is expressly prohibited by the Constitution, was published by the Legislative Reference Bureau in 1912. The value of that edition has been demonstrated.

By the Act of April 14, 1835, P. L. 270 the question of calling a Convention to amend the Constitution of 1790 was submitted to the electors. The vote being in favor of a Convention, it was called and amendments to the Constitution of 1790 were proposed. These amendments only were submitted to the electors and adopted. The so-called Constitution of 1838 is, therefore, properly the Constitution of 1790 as amended: However, in this edition it has been treated as it is popularly known, the Constitution of 1838.

The Constitution of 1873 has been variously amended. These amendments have been inserted in their appropriate places and are followed with the sections as they originally read. The amendments adopted subsequent to 1838 and prior to the Constitution of 1873 have been treated as amendments to the Constitution of 1838 and have been inserted similarly to those adopted to the Constitution of 1873.

After each section of the Constitutions of Pennsylvania, notes have been appended, showing the corresponding sections in the other prior and subsequent Constitutions of the Commonwealth. An exact similarity in the language of these corresponding sections is designated by the word "verbatim." By the use of these notes the origin and development of a particular provision can be readily traced.

We shall be grateful if attention is directed to any errors in this edition.

January 1, 1916.

Legislative Reference Bureau.

JAMES N. MOORE,

Director.

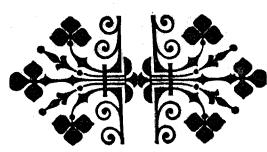


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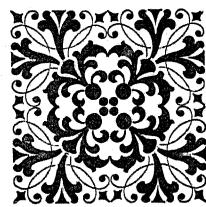
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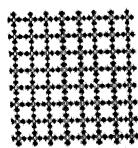


**CONSTITUTION**  
OF THE  
**Commonwealth of Pennsylvania.**

**1873**



**The** Constitution of 1873 was adopted by a Constitutional Convention November 3, 1873. This Convention was called pursuant to the **Act** of April 11, 1872, P. L. 53, and was the immediate result of an **era** of special and local legislation. The Act calling the Convention provided that the Bill of Rights was not to be changed. However, the Convention exceeded its authority and proposed several alterations. The Constitution was ratified at a special election held December 16, 1873 and went into effect January 1, 1874. This Constitution was amended November 5, 1901; November 2, 1909; November 7, 1911; November 4, 1913 and November 2, 1915 which amendments have been incorporated in their appropriate places in the Constitution.



(10)

# CONSTITUTION

OF THE  
COMMONWEALTH OF PENNSYLVANIA, 1873.

**Preamble.** We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

## ARTICLE I. DECLARATION OF RIGHTS.

**Liberty and Free Government.** That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that—

**Sec. 1. Natural Rights of Mankind.** All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Decl. of Rights, Cl. 1.

Constitution of 1790, Art. IX, Sec. 1, (Verbatim).

Constitution of 1838, Art. IX, Sec. 1, (Verbatim).

**Sec. 2. Power of People.** All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Decl. of Rights, Cl. V.

Constitution of 1790, Art. IX, Sec. 2

Constitution of 1838, Art. IX, Sec. 2.

**Sec. 3. Rights of Conscience. Freedom of Religious Worship.** All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can

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of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience and no preference shall ever be given by law to any religious establishments or modes of worship.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. II.

Constitution of 1790, Art. IX, Sec. 3, (Verbatim).

Constitution of 1838, Art. IX, Sec. 3, (Verbatim).

**Sec. 4. No Disqualification for Religious Belief.** No person who acknowledges the being of a God, and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. II.

Constitution of 1790, Art. IX, Sec. 4, (Verbatim).

Constitution of 1838, Art. IX, Sec. 4, (Verbatim).

**Section 5. Freedom of Elections.** Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. VII.

Constitution of 1790, Art. IX, Sec. 5.

Constitution of 1838, Art. IX, Sec. 5.

**Sec. 6. Trial by jury.** Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XI.

Sec. 25.

Constitution of 1790, Art. IX, Sec. 6, (Verbatim).

Constitution of 1838, Art. IX, Sec. 6, (Verbatim).

**Sec. 7. Freedom of the Press. Libel.** The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity,

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or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XII.  
Sec. 35.

Constitution of 1790, Art. IX, Sec. 7.  
Constitution of 1838, Art. IX, Sec. 7

**Sec. 8. Searches and Seizures.** The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. X.  
Constitution of 1790, Art. XI, Sec. 8.  
Constitution of 1838, Art. IX, Sec. 9 (Verbatim).

**Sec. 9. Rights of Accused in Criminal Prosecutions.** In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. IX.  
Constitution of 1790, Art. IX, Sec. 9, (Verbatim).  
Constitution of 1838, Art. IX, Sec. 9, (Verbatim).

**Sec. 10. Criminal Information. Twice in Jeopardy. Eminent Domain.** No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken

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or applied to public use, without authority of law and without just compensation being first made or secured.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. VIII.

Constitution of 1790, Art. IX, Sec. 10.

Constitution of 1838, Art. IX, Sec. 10.

**Sec. 11. Courts to be Open. Suits Against Commonwealth.** All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. IX, Sec. 11, (Verbatim).

Constitution of 1838, Art. IX, Sec. 11, (Verbatim).

**Sec. 12. Power of Suspending Laws.** No power of suspending laws shall be exercised unless by the Legislature or by its authority.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. IX, Sec. 12.

Constitution of 1838, Art. IX, Sec. 12

**Sec. 13. Bail. Fines. Punishments.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 29

Constitution of 1790, Art. IX, Sec. 13, (Verbatim).

Constitution of 1838, Art. IX, Sec. 13, (Verbatim).

**Sec. 14. Prisoners to be Bailable. Habeas Corpus.** All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 28.

Constitution of 1790, Art. IX, Sec. 14, (Verbatim).

Constitution of 1838, Art. IX, Sec. 14, (Verbatim).

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**Sec. 15. Oyer and Terminer.** No commission of oyer and terminer or jail delivery shall be issued.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. IX, Sec. 15, (Verbatim).

Constitution of 1838, Art. IX, Sec. 15, (Verbatim).

**Sec. 16. Insolvent Debtors.** The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 28.

Constitution of 1790, Art. IX, Sec. 16, (Verbatim).

Constitution of 1838, Art. IX, Sec. 16, (Verbatim).

**Sec. 17. Ex Post Facto Laws. Impairment of Contracts.** No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. IX, Sec. 17.

Constitution of 1838, Art. IX, Sec. 17.

**Sec. 18. Attainder.** No person shall be attainted of treason or felony by the Legislature.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. IX, Sec. 18, (Verbatim).

Constitution of 1838, Art. IX, Sec. 18, (Verbatim).

**Sec. 19. Attainder Limited. Estates of Suicides. Deodands.** No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. IX, Sec. 19, (Verbatim).

Constitution of 1838, Art. IX, Sec. 19, (Verbatim).

**Sec. 20. Right of Petition.** The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress

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of grievances or other proper purposes, by petition, address  
monstrance.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights; Cl. XVI.

Constitution of 1790, Art. IX, Sec. 20, (Verbatim).

Constitution of 1838, Art. IX, Sec. 20, (Verbatim).

**Sec. 21. Right to Bear Arms.** The right of the citizens  
arms in defense of themselves and the State shall not be questi

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XIII.

Constitution of 1790, Art. IX, Sec. 21, (Verbatim).

Constitution of 1838, Art. IX, Sec. 21, (Verbatim).

**Sec. 22. Standing Army. Military Power Subordinate t**  
No standing army shall, in time of peace, be kept up without  
consent of the Legislature, and the military shall in all cases  
all times be in strict subordination to the civil power.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XIII

Constitution of 1790, Art. IX, Sec. 22, (Verbatim).

Constitution of 1838, Art. IX, Sec. 22, (Verbatim).

**Sec. 23. Quartering of Troops.** No soldier shall in time  
be quartered in any house without the consent of the owner  
time of war but in a manner to be prescribed by law.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. IX, Sec. 23, (Verbatim).

Constitution of 1838, Art. IX, Sec. 23, (Verbatim).

**Sec. 24. Titles. Offices.** The Legislature shall not grant  
title of nobility or hereditary distinction, nor create any office  
appointment to which shall be for a longer term than during  
behavior.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. IX, Sec. 24.

Constitution of 1838, Art. IX, Sec. 24.

**Sec. 25. Emigration.** Emigration from the State shall  
prohibited.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XV.

Constitution of 1790, Art. IX, Sec. 25, (Verbatim).

Constitution of 1838, Art. IX, Sec. 25, (Verbatim).

**Sec. 26. Reservation of Powers in People.** To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. IX, Sec. 26, (Verbatim).

Constitution of 1838, Art. IX, Sec. 26, (Verbatim).

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## ARTICLE II.

### THE LEGISLATURE.

**Sec. 1. Legislative Power.** The legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 2.

Constitution of 1790, Art. I, Sec. 1, (Verbatim).

\* Constitution of 1838, Art. I, Sec. 1, (Verbatim).

**Sec. 2. Election of Members. Vacancies.** Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1790, Art. I, Secs. 2, 5, 19.

Constitution of 1838, Art. I, Secs. 2, 5, 20.

**Sec. 3. Terms of Members.** Senators shall be elected for the term of four years and Representatives for the term of two years.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1790, Art. I, Secs. 2, 5.

Constitution of 1838, Art. I, Secs. 2, 5.

**Sec. 4. Sessions. United States Senators.** The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by

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the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1790, Art. I, Sec. 10.

Constitution of 1838, Art. I, Sec. 10.

**Sec. 5. Qualifications of Members.** Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State), and shall reside in their respective districts during their terms of service.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Secs. 7, 8.

Constitution of 1790, Art. I, Secs. 3, 8.

Constitution of 1838, Art. I, Secs. 3, 8.

**Sec. 6. Disqualification to Hold Other Office.** No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 7.

Constitution of 1790, Art. I, Sec. 18.

Constitution of 1838, Art. I, Sec. 19.

Art. VI, Sec. 8.

**Sec. 7. Certain Crimes to Disqualify.** No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

**Sec. 8. Compensation.** The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever whether for service upon committee or otherwise. No member of

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either House shall during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. I, Sec. 17.  
Constitution of 1838, Art. I, Sec. 18.

**Sec. 9. Presiding Officers. Other Officers. Election and Qualification of Members.** The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 9.  
Constitution of 1790, Art. I, Secs. 11, 12.  
Constitution of 1838, Art. I, Secs. 11, 12.

**Sec. 10. Quorum.** A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 10.  
Constitution of 1790, Art. I, Sec. 12.  
Constitution of 1838, Art. I, Sec. 12.

**Sec. 11. Powers of Each Branch. Expulsion.** Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 9.  
Constitution of 1790, Art. I, Sec. 13.  
Constitution of 1838, Art. I, Sec. 13.

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**Sec. 12. Journals. Yeas and Nays.** Each House shall keep a journal of its proceedings and from time to time publish the same except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Corresponding provisions of prior Constitutions:

- Constitution of 1776, Sec. 14.
- Constitution of 1790, Art. I, Sec. 14.
- Constitution of 1838, Art. I, Sec. 15.

**Sec. 13. Sessions.** The sessions of each House and of committees of the whole shall be open, unless when the business is so urgent as ought to be kept secret.

Corresponding provisions of prior Constitutions:

- Constitution of 1776, Sec. 13.
- Constitution of 1790, Art. I, Sec. 15.
- Constitution of 1838, Art. I, Sec. 16.

**Sec. 14. Adjournment.** Neither House shall, without the consent of the other, adjourn for more than three days, nor to any place than that in which the two Houses shall be sitting.

Corresponding provisions of prior Constitutions:

- Constitution of 1790, Art. I, Sec. 16, (Verbatim).
- Constitution of 1838, Art. I, Sec. 17, (Verbatim).

**Sec. 15. Privileges of Members.** The members of the General Assembly shall in all cases, except treason, felony, violation of oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for their speech or debate in either House they shall not be questioned outside of the same.

Corresponding provisions of prior Constitutions:

- Constitution of 1790, Art. I, Sec. 17.
- Constitution of 1838, Art. I, Sec. 18.

**Sec. 16. Senatorial Districts. Ratio.** The State shall be divided into fifty senatorial districts of compact and contiguous territory, as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one-half or more of a ratio of population shall be entitled to one Senator for each county and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where it

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joining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. I, Secs. 6, 7.

Constitution of 1838, Art. I, Secs. 6, 7.

**Sec. 17. Representative Districts.** The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 17.

Constitution of 1790, Art. I, Sec. 4.

Constitution of 1838, Art. I, Sec. 4.

**Sec. 18. Legislative Apportionment.** The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 17.

Constitution of 1790, Art. I, Secs. 4, 6, 7.

Constitution of 1838, Art. I, Secs. 4, 6, 7.

ARTICLE III.

LEGISLATION.

**Sec. 1. Passage of Bills. Change of Purpose.** No law shall be passed except by bill, and no bill shall be so altered or amended, or passed through either House, as to change its original purpose.

**Sec. 2. Reference to Committee. Printing.** No bill shall be considered unless referred to a committee, returned therefrom, printed for the use of the members.

**Sec. 3. Subject of Bills. Title.** No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. XI, Sec. 8, (Amendment of 1864.)

**Sec. 4. Three Readings. Amendments. Final Vote.** Every bill shall be read at length on three different days in each House; amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same entered on the journal, and a majority of the members elected to the House be recorded thereon as voting in its favor.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 15.

**Sec. 5. Concurring in Amendments. Conference Committees.** No amendment to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of conference committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journal.

**Sec. 6. Revival and Amendment of Laws.** No law shall be revived, amended, or the provisions thereof extended or conferred, reference to its title only, but so much thereof as is revived, an extended or conferred shall be re-enacted and published at least.

**Sec. 7. Special and Local Legislation Limited.** The General Assembly shall not pass any local or special law:

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Authorizing the creation, extension or impairing of liens:

Regulating the affairs of counties, cities, townships, wards, boroughs or school districts:

Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining, roads, highways, streets or alleys:

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State:

Vacating roads, town plats, streets or alleys:

Relating to cemeteries, graveyards, or public grounds not of the State:

Authorizing the adoption or legitimation of children:

Locating or changing county seats, erecting new counties or changing county lines:

Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the place of voting:

Granting divorces:

Erecting new townships or boroughs, changing township lines, borough limits or school districts:

Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts:

Changing the law of descent or succession:

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate:

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes:

Fixing the rate of interest:

Affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment:

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

Exempting property from taxation:

Regulating labor, trade, mining or manufacturing:

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Creating corporations, or amending, renewing or extending the charters thereof:

Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:

Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed:

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. I, Sec. 14.

Art. XI, Sec. 9. (Amendment of 1864.)

**Sec. 8. Notice of Local and Special Bills.** No local or special bill shall be passed unless notice of the intention to apply therefore shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed.

**Sec. 9. Signing of Bills by Presiding Officers.** The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

**Sec. 10. Officers and Employes. Payments.** The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury, or be in any way authorized, to any person, except to an acting officer or employee elected or appointed in pursuance of law.

**Sec. 11. Extra Compensation Prohibited. Claims Against the State.** No bill shall be passed giving any extra compensation to any public officer, servant, employee, agent or contractor, after service shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

**Sec. 12. Public Printing and Supplies.** All stationery, printing paper and fuel used in the legislative and other departments of go-

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ernment shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

**Sec. 13. Extension of Terms and Increase or Diminishment of Compensation Prohibited.** No law shall extend the term of any public Officer, or increase or diminish his salary or emoluments, after his election or appointment.

**Sec. 14. Revenue Bills.** All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. I, Sec. 20. (Verbatim.)

Constitution of 1838, Art. I, Sec. 21, (Verbatim.)

**Sec. 15. Appropriation Bills.** The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

**Sec. 16. Paying out Public Moneys.** No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant by the proper officer in pursuance thereof.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. I, Sec. 21.

Constitution of 1838, Art. I, Sec. 22.

**Section 17. Appropriations to Charitable and Educational Institutions.** No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

**Sec. 18. Certain Appropriations Forbidden.** No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or

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community, nor to any denominational or sectarian institution, corporation or association.

**Sec. 19. Appropriations for Support of Widows and Orphan Soldiers.** The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; such appropriation shall be applied exclusively to the support of widows and orphans.

**Sec. 20. Special Municipal Commissions Prohibited.** The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

**Sec. 21. Employers Liability. Workmen's Compensation. Damages for Injuries to Person or Property.** The General Assembly shall enact laws requiring the payment by employers, or employers and employees jointly, of reasonable compensation for injuries to employees arising in the course of their employment, and for occupational diseases of employes, whether or not such injuries or diseases result in death, and regardless of fault of employer or employee, and shall fix the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; but in no other cases shall the General Assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided. (Amendment of November 2, 1915.)

Section twenty-one of article three of this Constitution originally read as follows:

**Sec. 21.** No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and, in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

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**Sec. 22. Investment of Trust Funds.** No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided saving investments heretofore made.

**Sec. 23. Change of Venue.** The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

**Sec. 24. Corporate Obligations Owned by State.** No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State Treasury.

**Sec. 25. Legislation During Special Session.** When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

**Sec. 26. Concurrent Resolutions, &c., To be Presented to Executive.** Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. I, Sec. 23, (Verbatim.)

Constitution of 1838, Art. I, Sec. 24, (Verbatim.)

**Sec. 27. State Inspection of Merchandise Prohibited.** No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

**Sec. 28. Change of Location of State Capital.** No law changing the location of the capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

**Sec. 29. Bribery of Members of Legislature.** A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official in-

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fluence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing, to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

Sec. 30. Giving of Bribes. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Sec. 31. Corrupt Solicitation. The offense of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official actoin, shall be defined by law and shall be punished by fine and imprisonment.

Sec. 32. Investigation of Bribery or Corrupt Solicitation. Compulsory Testimony. Disqualification as Punishment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offences aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

Sec. 33. Member Interested in Bill not to Vote. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.

THE EXECUTIVE.

**Sec. 1. Executive Department.** The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

**Sec. 2. Governor. Election. Returns. Contested Election.** The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 3.

Constitution of 1790, Art. II, Secs. 1, 2, 13.

Constitution of 1838, Art. II, Secs. 1, 2, 13.

**Sec. 3. Governor's Term.** The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. II, Sec. 3.

Constitution of 1838, Art. II, Sec. 3.

**Sec. 4. Lieutenant Governor.** A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote unless they be equally divided.

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Sec. 5. Qualifications of Governor and Lieutenant Governor. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

Corresponding provisions of prior Constitutions:

- Constitution of 1790, Art. II, Sec. 4.
- Constitution of 1838, Art. II, Sec. 4.

Sec. 6. Disqualifications. No member of Congress or person holding any office under the United States or this State shall exercise the office of Governor or Lieutenant Governor.

Corresponding provisions of prior Constitutions:

- Constitution of 1790, Art. II, Sec. 5.
- Constitution of 1838, Art. II, Sec. 5.

Sec. 7. Military Commander. The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Corresponding provisions of prior Constitutions:

- Constitution of 1776, Sec. 20.
- Constitution of 1790, Art. II, Sec. 7.
- Constitution of 1838, Art. II, Sec. 7.

Sec. 8. Appointing Power of Governor. Vacancies. Confirmation by Senate. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint the Secretary of the Commonwealth and an Attorney General during his pleasure, a Superintendent of Public Instruction for four years, such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate before their final adjournment, a proper person to fill said vacancies.

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but in any such case of vacancy, in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal. (Amendment of November 2, 1909.)

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. II, Sec. 15

Constitution of 1838, Art. II, Sec. 8.

Section eight of article four of this Constitution originally read as follows:

Sec. 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election for said office shall be held at the second succeeding general election. In acting on Executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

Sec. 9. Pardoning Power. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open

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session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Corresponding provisions of prior Constitutions:

- Constitution of 1776, Sec. 20.
- Constitution of 1790, Art. II, Sec. 9.
- Constitution of 1838, Art. II, Sec. 9.

Sec. 10. Information from Department Officials. He may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

Corresponding provisions of prior Constitutions:

- Constitution of 1790, Art. II, Sec. 10.
- Constitution of 1838, Art. II, Sec. 10.

Sec. 11. Messages to Legislature. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

Corresponding provisions of prior Constitutions:

- Constitution of 1790, Art. II, Sec. 11.
- Constitution of 1838, Art. II, Sec. 11.

Sec. 12. Special Sessions of Legislature. Adjournments. Special Sessions of Senate. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.

Corresponding provisions of prior Constitutions:

- Constitution of 1776, Sec. 20.
- Constitution of 1790, Art. II, Sec. 12.
- Constitution of 1838, Art. II, Sec. 12.

Sec. 13. When Lieutenant Governor Shall Act. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

Corresponding provisions of prior Constitutions:

- Constitution of 1790, Art. II, Sec. 14.
- Constitution of 1838, Art. II, Sec. 14.

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**Sec. 14. Vacancy in Office of Lieutenant Governor.** In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President pro tempore of the Senate; and the President pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

**Sec. 15. Approval of Bills. Veto.** Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House, respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. I, Sec. 22.

Constitution of 1838, Art. I, Sec. 23.

**Sec. 16. Partial Disapproval of Appropriation Bills.** The Governor shall have power to disapprove of any item or items of any bill, making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

**Sec. 17. Contested Election of Governor or Lieutenant Governor. Holding Over.** The Chief Justice of the Supreme Court shall pre-

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side upon the trial of any contested election of Governor or Lieutenant Governor and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. II, Sec. 2.  
Constitution of 1838, Art. II, Sec. 2.

Sec. 18. Secretary of the Commonwealth. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. II, Sec. 15.  
Constitution of 1838, Art. II, Sec. 15.

Sec. 19. Secretary of Internal Affairs. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics and he shall discharge such duties relating to corporations, to charitable institutions, the agricultural, manufacturing, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Sec. 20. Superintendent of Public Instruction. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

Sec. 21. Terms of Executive Department Officers. Ineligibility Re-election. The terms of the Secretary of Internal Affairs, the Auditor General, and the State Treasurer shall each be four years; and they shall be chosen by the qualified electors of the State at general elections; but a State Treasurer, elected in the year one thousand nine hundred and nine, shall serve for three years, and his successor shall be elected at the general election in the year one thousand nine hundred and twelve, and in every fourth year thereafter. No person elected to the office of Auditor General or State Treasurer shall

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; of holding the same office for two consecutive terms.  
lement of November 2, 1909.)

onding provisions of prior Constitutions:

stitution of 1776, Sec. 9.  
stitution of 1790, Art. VI, Sec. 5.  
stitution of 1838, Art. VI, Sec. 6.

on twenty-one of article four of this Constitution originally  
; follows:

ee. 21. The term of the Secretary of Internal Affairs shall be four  
rs; of the Auditor General three years; and of the State Treasurer  
years. These officers shall be chosen by the qualified electors of the  
te at general elections. No person elected to the office of Auditor  
eral or State Treasurer shall be capable of holding the same office for  
consecutive terms.

22. **Seal. Commissions.** The present Great Seal of Penn-  
shall be the seal of the State. All commissions shall be in  
ne and by authority of the Commonwealth of Pennsylvania,  
sealed with the State seal and signed by the Governor.

onding provisions of prior Constitutions:

stitution of 1776, Sec. 21.  
stitution of 1790, Art. VI, Sec. 4  
stitution of 1838, Art. VI, Sec. 5.

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ARTICLE V.

THE JUDICIARY.

1. **Judicial Power.** The judicial power of this Common-  
shall be vested in a Supreme Court, in courts of common  
courts of oyer and terminer and general jail delivery, courts  
er sessions of the peace, orphans' courts, magistrates' courts,  
such other courts as the General Assembly may from time  
establish.

onding provisions of prior Constitutions:

stitution of 1776, Sec. 20.  
stitution of 1790, Art. V, Sec. 1.  
stitution of 1838, Art. V, Sec. 1.

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Sec. 2. Supreme Court. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 23.

Constitution of 1790, Art. V, Sec. 2.

Constitution of 1838, Art. V, Sec. 2.

Sec. 3. Jurisdiction of Supreme Court. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, certiorari or writ of error in all cases, as is now or may hereafter be provided by law.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. V, Sec. 3.

Constitution of 1838, Art. V, Sec. 4.

Sec. 4. Common Pleas Courts. Until otherwise directed by law the courts of common pleas shall continue as at present established except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. V, Sec. 4.

Constitution of 1838, Art. V, Sec. 3.

Sec. 5. Judicial Districts. Associate Judges. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, i

abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

**Sec. 6. Courts of Common Pleas of Philadelphia and Allegheny Counties.** In the county of Philadelphia all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in five distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each. The said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three, number four, and number five, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers. The number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased, from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of the said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law.

In the county of Allegheny all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law.

The president judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time. This amendment shall take effect on the first day of January succeeding its adoption. (Amendment of November 7, 1911.)

Section six of Article five of this Constitution originally read as follows:

See. 6. In the counties of Philadelphia and Allegheny all the jurisdiction and power now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law,

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shall be in Philadelphia vested in four, and in Allegheny in two, distinct and separate courts of equal and coordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three and number four, and in Allegheny as the court of common pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue as may be provided by law. \*

**Sec. 7. Prothonotary of Philadelphia. Salaries. Fees. Dockets.**  
For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

**Sec. 8. Criminal Courts in Philadelphia and Allegheny Counties.**  
The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

**Sec. 9. Powers of Judges of Common Pleas Courts. Judges of**  
the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphans' court, and within their respective districts shall be justices of the peace as to criminal matters.

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Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. V, Sec. 5.

Constitution of 1838, Art. V, Secs. 5, 7, 9.

**Sec. 10. Certiorari to Courts not of Record.** The judges of the courts of common pleas, within their respective counties, shall have power to issue writs of certiorari to justices of the peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. V, Sec. 8.

Constitution of 1838, Art. V, Sec. 8.

**Sec. 11. Justices of the Peace. Aldermen. Term. Residence. Number.** Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs or townships, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district. (Amendment of November 2, 1909).

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 30

Constitution of 1790, Art. V, Sec. 10

Constitution of 1808, Art. VI, Sec. 7

Section eleven of article five of this Constitution originally read as follows:

Sec. 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

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Sec. 12. **Magistrates' Courts in Philadelphia. Election. Term Salaries. Jurisdiction.** In Philadelphia there shall be established for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be six years, and they shall be elected on general ticket at the municipal election, by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of aldermen is abolished. (Amendment of November 2, 1909).

Section twelve of article five of this Constitution originally read as follows:

Sec. 12. In Philadelphia there shall be established for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Sec. 13. **Disposition of Fees, Fines, etc.** All fees, fines and penalties in said courts shall be paid into the county treasury.

Sec. 14. **Appeal from Summary Conviction.** In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Sec. 15. **Election of Judges. Term. Removal.** All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground

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for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 20.

Constitution of 1790, Art. V, Secs. 2, 4.

Constitution of 1838, Art. V, Sec. 2, (Amendment of 1850).

**Sec. 16. Voting for Supreme Court Judges.** Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

**Sec. 17. Priority of Commission.** Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. V, Sec. 2, (And amendment of 1850).

**Sec. 18. Compensation of Judges.** The judges of the Supreme Court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees, or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 23

Constitution of 1790, Art. V, Sec. 2

Constitution of 1838, Art. V, Sec. 2, (And amendment of 1850).

**Sec. 19. Residence of Judges.** The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. V, Sec. 4

Constitution of 1838, Art. V, Sec. 2, (Amendment of 1850).

**Sec. 20. Chancery Powers.** The several courts of common pleas, besides the powers herein conferred, shall have and exercise within

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their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 24.

Constitution of 1790, Art. V, Sec. 6.

Constitution of 1838, Art. V, Sec. 6.

**Sec. 21. Duties of Judges. Nisi Prius Courts. Supreme Court Judges.** No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of nisi prius is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

**Sec. 22. Orphans' Courts. Registers' Courts Abolished.** In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts, and thereupon the jurisdiction of the judges of the court of common pleas within such county, in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' court shall possess all the powers and jurisdiction of a registers' court, and separate registers' courts are hereby abolished.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. V, Sec. 7.

Constitution of 1838, Art. V, Sec. 7.

**Sec. 23. Style of Process. Indictments.** The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Common-

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wealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 27.

Constitution of 1790, Art. V, Sec. 12, (Verbatim).

Constitution of 1838, Art. V, Sec. 11, (Verbatim).

**Sec. 24. Appeal to Supreme Court in Criminal Cases.** In all be provided for by law, the accused after conviction and sentence, may remove the indictment, record and all proceedings to the Supreme Court for review.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. V, Sec. 5.

Constitution of 1838, Art. V, Sec. 5.

**Sec. 25. Vacancies in Courts of Record.** Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. II, Sec. 8.

Constitution of 1838, Art. V, Sec. 2, (Amendment of 1850).

**Sec. 26. Uniform Laws for Courts. Certain Courts Prohibited.** All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

**Sec. 27. Litigants may Dispense with Jury Trial.** The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

## ARTICLE VI.

### IMPEACHMENT AND REMOVAL FROM OFFICE.

**Sec. 1. Power of Impeachment.** The House of Representative shall have the sole power of impeachment.

Corresponding provisions of prior Constitutions:

- Constitution of 1776, Sec. 22.
- Constitution of 1790, Art. IV, Sec. 1.
- Constitution of 1838, Art. IV, Sec. 1.

**Sec. 2. Trial of Impeachments.** All impeachments shall be tried by the Senate; when sitting for that purpose the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

Corresponding provisions of prior Constitutions:

- Constitution of 1776, Sec. 22.
- Constitution of 1790, Art. IV, Sec. 2, (Verbatim).
- Constitution of 1838, Art. IV, Sec. 2, (Verbatim).

**Sec. 3. Officers Liable to Impeachment. Judgment.** The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Corresponding provisions of prior Constitutions:

- Constitution of 1776, Sec. 22.
- Constitution of 1790, Art. IV, Sec. 3.
- Constitution of 1838, Art. IV, Sec. 3.

**Sec. 4. Tenure of Office. Removals from Office.** All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointd. All officers elected by the people, except Governor, Lieutenant Governor, members of the General Assembly and judges of the courts of record learned in the law, shall be removed

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by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

Corresponding provisions of prior Constitutions:  
Constitution of 1838, Art. VI, Sec. 9

ARTICLE VII.

OATH OF OFFICE.

Sec. 1. **Official Oath. How Administered.** Senators and Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment,) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court or of a court of common pleas, learned in the law, in the hall of the House to which the members shall be elected.

Corresponding provisions of prior Constitutions:  
Constitution of 1776, Secs. 10, 40.  
Constitution of 1790, Art. VIII.  
Constitution of 1838, Art. VIII.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

Sec. 1. Qualifications of Electors. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months), immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

4. If twenty-two years of age and upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election (Amendment of November 5, 1901.)

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 6.

Constitution of 1790, Art. III, Sec. 1.

Constitution of 1838, Art. III, Sec. 1.

Section one of article eight of this Constitution originally read as follows:

Sec. 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the State one year, (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months,) immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

4. If twenty-two years of age or upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

Sec. 2. General Elections. The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year, but the General Assembly may by law

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fix a different day, two-thirds of all the members of each House consenting thereto: Provided, That such election shall always be held in an even-numbered year. (Amendment of November 2, 1909).

Section two of article eight of this Constitution originally read as follows:

Sec. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly may by law fix a different day, two-third of all the members of each House consenting thereto.

**Sec. 3. Municipal Elections. · Election of Judges and County Officers.** All judges elected by the electors of the State at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto: Provided, That such elections shall be held in an odd-numbered year: Provided further, That all judges for the courts of the several judicial districts holding office at the present time, whose terms of office may end in an odd-numbered year, shall continue to hold their offices until the first Monday of January in the next succeeding even-numbered year. (Amendment of November 4, 1913.)

Section three of article eight of this Constitution was also amended November 2, 1909, which amendment read as follows:

Sec. 3. All judges elected by the electors of the State at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day, namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the General Assembly may by law fix a different day, two thirds of all the members of each House consenting thereto: Provided, That such election shall always be held in an odd-numbered year.

Section three of article eight of this Constitution originally read as follows:

Sec. 3. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

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**Sec. 4. Method of Conducting Elections. Secrecy.** All by the citizens shall be by ballot or by such other method as prescribed by law: Provided, That secrecy in voting be preserved. (Amendment of November 5, 1901.)

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 32.

Constitution of 1790, Art. III, Sec. 2.

Constitution of 1838, Art. III, Sec. 2.

Section four of article eight of this Constitution originally follows:

Sec. 4. All elections by the citizens shall be by ballot. Every voter shall be numbered in the order in which it shall be received the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn to affirm not to disclose how any elector shall have voted unless required so as witnesses in a judicial proceeding.

**Sec. 5. Privileges of Electors.** Electors shall in all cases of treason, felony and breach or surety of the peace, be privileged to arrest during their attendance on elections, and in going to and returning therefrom.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. III, Sec. 3.

Constitution of 1838, Art. III, Sec. 3.

**Sec. 6. Voting when Engaged in Military Service.** When of the qualified electors of this Commonwealth shall be in military service, under a requisition from the President of the United States or by the authority of this Commonwealth, such electors shall exercise the right of suffrage in all elections by the citizen of such regulations as are or shall be prescribed by law, as if they were present at their usual places of election.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. III, Sec. 4, (Verbatim Amendment of 1873).

**Sec. 7. Uniformity of Election Laws. Registration of Electors.** All laws regulating the holding of elections by the citizens of the Commonwealth shall be uniform throughout the State. Laws regulating and requiring the registration of electors shall not be enacted to apply to cities only, provided that such laws be uniform in all cities of the same class. (Amendment of November 5, 1901.)

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Section seven of article eight of this Constitution originally read as follows:

Sec. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

Sec. 8. **Bribery at Elections. Challenging of Electors.** Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such electors' vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 32.

Sec. 9. **Violation of Election Laws.** Any person who shall, while a candidate for office, be guilty of bribery, fraud or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 32.

Sec. 10. **Witnesses in Contested Elections and Election Investigations.** In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

Sec. 11. **Election Districts.** Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter ses-

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sions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

**Sec. 12. Elections by Persons in Representative Capacity.** All elections by person in a representative capacity shall be *viva voce*.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. III, Sec. 2.

Constitution of 1838, Art. III, Sec. 2.

**Sec. 13. Residence of Electors.** For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison.

**Sec. 14. Election Officers.** District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

**Sec. 15. Disqualifications for Election Officer.** No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held, any office, appointment or employment in or under the government of the United States, or of this State, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices below the grade of city or county offices, as shall be designated by general law.

**Sec. 16. Overseers of Elections.** The courts of common pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

**Sec. 17. Trial of Contested Elections.** The trial and determination of contested elections of electors of President and Vice President, members of the General Assembly, and of all public officers, whether State, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

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## ARTICLE IX.

### TAXATION AND FINANCE.

**Sec. 1. Taxes to be Uniform. Exemptions.** All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

**Sec. 2. Exemption from Taxation Limited.** All laws exempting property from taxation, other than the property above enumerated, shall be void.

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Sec. 4 amended  
See page 75

**Sec. 3. Taxation of Corporations.** The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

**Sec. 4. Limitation on State Debt.** No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed in the aggregate at any one time, one million of dollars.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. XI, Secs. 1, 2, (Amendment of 1857).

**Sec. 5. Limitation on State Loans.** All laws, authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. XI, Secs. 1, 2, (Amendment of 1857).

**Sec. 6. State Credit not to be Pledged.** The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint owner or stockholder in any company, association or corporation.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. XI, Sec. 5, (Amendment of 1857).

**Sec. 7. Municipalities not to Become Stockholders in Corporations, etc., nor Loan Credit.** The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. XI, Sec. 7, (Amendment of 1857).

Sec. 8 amended  
See pages 75 & 76

**Sec. 8. Debts of Municipalities. Debt of Philadelphia.** The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the consent of

the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which on the first day of January, one thousand eight hundred and seventy-four, exceeded seven per centum of such assessed valuation, and has not since been reduced to less than such per centum, may be authorized by law to increase the same three per centum in the aggregate, at any one time, upon such valuation. The city of Philadelphia, upon the conditions hereinafter set forth, may increase its indebtedness to the extent of three per centum in excess of seven per centum upon such assessed valuation for the specific purpose of providing for all or any of the following purposes,—to wit: For the construction and improvement of subways, tunnels, railways, elevated railways, and other transit facilities; for the construction and improvement of wharves and docks, and for the reclamation of land to be used in the construction of wharves and docks, owned or to be owned by said city. Such increase, however, shall only be made with the assent of the electors thereof at a public election, to be held in such manner as shall be provided by law. In ascertaining the borrowing capacity of said city of Philadelphia, at any time, there shall be excluded from the calculation a credit, where the work resulting from any previous expenditure, for any one or more of the specific purposes hereinabove enumerated shall be yielding to said city an annual current net revenue; the amount of which credit shall be ascertained by capitalizing the annual net revenue during the year immediately preceding the time of such ascertainment. Such capitalization shall be accomplished by ascertaining the principal amount which would yield such annual current net revenue, at the average rate of interest, and sinking-fund charges payable upon the indebtedness incurred by said city for such purposes, up to the time of such ascertainment. The method of determining such amount, so to be excluded or allowed as a credit, may be prescribed by the General Assembly.

In incurring indebtedness for any one or more of said purposes of construction, improvement, or reclamation, the city of Philadelphia may issue its obligations maturing not later than fifty years from the date thereof, with provision for a sinking fund sufficient to retire said obligation at maturity, the payments to such sinking fund to be in equal or graded annual instalments. Such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking-fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking-fund charges, as

1873, Article IX.

required by section ten of article nine of the Constitution of Pennsylvania, until the expiration of said period of one year after the completion of such work. (Amendment of November 2, 1915).

Section eight of article nine of this Constitution was also amended November 7, 1911, which amendment read as follows:

Sec. 8. The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate, at any one time, upon such valuation, except that any debt or debts hereinafter incurred by the city and county of Philadelphia for the construction and development of subways for transit purposes, or for the construction of wharves and docks, or the reclamation of land to be used in the construction of a system of wharves and docks, as public improvements, owned or to be owned by said city and county of Philadelphia, and which shall yield to the city and county of Philadelphia current net revenue in excess of the interest of said debt or debts and of the annual instalments necessary for the cancellation of said debt or debts, may be excluded in ascertaining the power of the city and county of Philadelphia to become otherwise indebted: Provided, That a sinking fund for their cancellation shall be established and maintained,

Section eight of article nine of this Constitution originally read as follows:

Sec. 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

**Sec. 9. Municipal Debt not to be Assumed by State. Exceptions.**  
The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been enacted to enable the State to repel invasion, suppress domestic

1873, Article IX.

insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. XI, Sec. 6. (Amendment of 1857).

**Sec. 10. Tax to Liquidate Municipal Debts.** Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

**Sec. 11. State Sinking Fund.** To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. XI, Sec. 4. (Amendment of 1857).

**Sec. 12. Surplus State Funds. Investments.** The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this State.

**Sec. 13. Reserve Fund Limited. Monthly Statements of Reserve Funds.** The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

**Sec. 14. Punishment for Misuse of State Moneys.** The making of profit out of the public moneys or using the same for any purpose not authorized by law by any officer of the State, or member or

officer of the General Assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than years.

Sec. 15. Municipal Indebtedness for Certain Public Works. Obligations which have been heretofore issued, or which may here be issued, by any county or municipality, other than Philadelphia, to provide for the construction or acquisition of waterworks, sub-underground railways or street railways, or the appurtenances thereof, shall be considered as a debt of a municipality, within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment, if the net revenue derived from the property for a period of five years, either before or after the action thereof, or, where the same is constructed by the county or municipality, after the completion thereof, shall have been sufficient to pay interest and sinking-fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties, and shall impose no municipal liability. No municipalities or counties shall issue obligations to provide for the construction of property, as herein provided, said municipalities and counties may also issue obligations to provide for the interest and sinking-fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year; and municipalities and counties shall not be required to levy a tax to pay said interest and sinking fund charges, as required by section ten of article nine of the Constitution of Pennsylvania, until said properties shall have been operated by said counties or municipalities during said period of one year. Any of the said municipalities or counties may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a special election, in such manner as shall be provided by law. (Amended November 4, 1913).

(Note. Article nine of this Constitution, in its original form, consisted of fourteen sections.)

## ARTICLE X.

### EDUCATION.

**Sec. 1. Public School System.** The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 44.

Constitution of 1790, Art. VII, Sec. 1.

Constitution of 1838, Art. VII, Sec. 1.

**Sec. 2. Diversion of School Moneys to Sectarian Schools.** No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

**Sec. 3. Women Eligible as School Officers.** Women of twenty-one years of age and upwards, shall be eligible to any office of control or management under the school laws of this State.

## ARTICLE XI.

### MILITIA.

**Sec. 1. Militia to be Organized . Maintenance. Exemption from Service.** The freemen of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia by appropriations from the Treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 5.

Constitution of 1790, Art. VI, Sec. 2

Constitution of 1838, Art. VI, Sec. 2

1873, Article XII.

## ARTICLE XII.

### PUBLIC OFFICERS.

**Sec. 1. Election of State and Local Public Officers.** All officers whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law: Provided, That elections of State officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day except when, in either case, special elections may be required to fill unexpired terms. (Amendment of November 2, 1909).

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. VI, Sec. 8.

Section one of article twelve of this Constitution originally read follows:

Sec. 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.

**Sec. 2. Incompatible Offices.** No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what officers are incompatible.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. II, Sec. 8.

Constitution of 1838, Art. VI, Sec. 8

**Sec. 3. Punishment for Dueling.** Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. VI, Sec. 10.

ARTICLE XIII.

NEW COUNTIES.

**Sec. 1. Limitation on Erection of New Counties.** No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. XII, (Amendment of 1857).

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ARTICLE XIV.

COUNTY OFFICERS.

**Sec. 1. County Officers.** County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

**Sec. 2. Election of County Officers.** Terms. Vacancies. County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law. (Amendment of November 2, 1909.)

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 31.

Constitution of 1790, Art. VI, Sec. 1.

Constitution of 1838, Art. VI, Secs. 1, 3.

Section two of an article fourteen of this Constitution originally read as follows:

1873, Article XIV.

Sec. 2. County officers shall be elected at the general elections and shall hold their offices for the term of three years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law.

Sec. 3. Qualifications. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Sec. 4. Where Offices Shall Be Kept. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 34.

Constitution of 1790, Art. V, Sec. 11.  
Art. VI, Sec. 3

Constitution of 1838, Art. V, Sec. 10.  
Art. VI, Sec. 4

Sec. 5. Compensation of County Officers. Fees. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid a salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Sec. 6. Accountability of Municipal Officers. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them as for all public or municipal moneys which may be paid to them.

Sec. 7. County Commissioners and Auditors. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and eleven and every fourth year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioners or county auditor shall be filled, by the court of co-

## 1873, Article XV, XVI.

mon pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled. (Amendment of November 2, 1909).

Section seven of article fourteen of this Constitution originally read as follows:

Sec. 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

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## ARTICLE XV.

### CITIES AND CITY CHARTERS.

Sec. 1. When Cities May Be Chartered. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

Sec. 2. Debts Incurred by Municipal Commissions. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

Sec. 3. City Sinking Fund. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

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## ARTICLE XVI.

### PRIVATE CORPORATIONS.

Sec. 1. Certain Unused Charters Void. All existing charters, or grants of special or exclusive privileges, under which a bona fide

1873, Article XVI.

organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Sec. 2. Conditions Imposed on Certain Benefits to Corporations. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec. 3. State's Right of Eminent Domain. Police Power. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchise of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Sec. 4. Corporate Elections. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Sec. 5. Foreign Corporations. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Sec. 6. Corporate Powers. Real Estate. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Sec. 7. Stocks and Bonds. Increase of Indebtedness. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days notice given in pursuance of law.

Sec. 8. Property Taken, Injured or Destroyed by Private and Municipal Corporations. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works,

highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. VII, Sec. 4.

**Sec. 9. Banking Laws.** Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

**Sec. 10. Revocation and Alteration of Corporate Charters. New Charters.** The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. I, Sec. 25, 26. (Sec. 26, Amendment of 1857).

Sec. 11. Amend'd  
to 1857  
1852  
1874

**Sec. 11. Notice of Application for Bank Charter. Term.** No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Corresponding provisions of prior Constitutions:

Constitution of 1838, Art. I, Sec. 25.

**Sec. 12. Regulation of Telegraph Lines.** Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regu-

1873, Article XVII.

lations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of, any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Sec. 13. Meaning of Term "Corporations." The term "corporations," as used in this article, shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

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ARTICLE XVII.

RAILROADS AND CANALS.

Sec. 1. To Be Public Highways and Common Carriers. Connection with Other Lines. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the others passengers, tonnage and cars loaded or empty, without delay or discrimination.

Sec. 2. Stock Transfer Office. Books. Every railroad and canal corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Sec. 3. No Discrimination in Service. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the State or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of

persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

**Sec. 4. Consolidation Prohibited. Restrictions on Officers.** No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

**Sec. 5. Limitation of Powers.** No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company directly or indirectly engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

**Sec. 6. Officers Not To Be Interested in Contracts.** No president, director, officer, agent or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

**Sec. 7. Discrimination and Preferences Prohibited.** No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employee thereof, shall make any preferences in furnishing cars or motive power.

**Sec. 8. Passes Prohibited.** No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employes of the company.

**Sec. 9. Street Railways.** No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

**Sec. 4. Consolidation Prohibited. Restrictions on Officers.** No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

**Sec. 5. Limitation of Powers.** No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company directly or indirectly engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

**Sec. 6. Officers Not To Be Interested in Contracts.** No president, director, officer, agent or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

**Sec. 7. Discrimination and Preferences Prohibited.** No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employee thereof, shall make any preferences in furnishing cars or motive power.

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Sec. 10. Acceptance of this Article. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Sec. 11. Duties of Secretary of Internal Affairs. The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

Sec. 12. Enforcement of this Article. The General Assembly shall enforce by appropriate legislation the provisions of this article.

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ARTICLE XVIII.

FUTURE AMENDMENTS.

Sec. 1. How Constitution May Be Amended. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but

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no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Sec. 47.

Constitution of 1838, Art. X.

**Registering, Transferring, Insuring and Guaranteeing Land Titles.**  
Laws may be passed providing for a system of registering, transferring, insuring of and guaranteeing land titles by the State, or by the counties thereof, and for settling and determining adverse or other claims to and interest in lands the titles to which are so registered, transferred, insured, and guaranteed; and for the creation and collection of indemnity funds; and for carrying the system and powers hereby provided for into effect by such existing courts as may be designated by the Legislature, and by the establishment of such new courts as may be deemed necessary. In matters arising in and under the operation of such system, judicial powers, with right of appeal, may be conferred by the Legislature upon county recorders and upon other officers by it designated. Such laws may provide for continuing the registering, transferring, insuring, and guaranteeing such titles after the first or original registration has been perfected by the court, and provision may be made for raising the necessary funds for expenses and salaries of officers, which shall be paid out of the treasury of the several counties. (Amendment of November 2, 1915).

(Note: The Legislature failed to designate any article or section for this amendment.)

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(SCHEDULE NO. 1.)

(ADOPTED WITH THE CONSTITUTION).

That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared, that:

**Sec. 1. When To Take Effect.** This Constitution shall take effect on the first day of January, in the year one thousand eight hundred and seventy-four, for all purposes not otherwise provided for therein.

**Sec. 2. Former Laws Remain in Force.** All laws in force in this Commonwealth at the time of the adoption of this Constitution, not

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inconsistent therewith, and all rights, actions, prosecutions and contracts, shall continue as if this Constitution had not been adopted.

Sec. 3. Election of Senators. At the general election in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, Senators shall be elected in all districts where there shall be vacancies. Those elected in the year one thousand eight hundred and seventy-four shall serve for two years, and those elected in the year one thousand eight hundred and seventy-five shall serve for one year. Senators now elected and those whose terms are unexpired shall represent the districts in which they reside until the end of the terms for which they were elected.

Sec. 4. Election of Senators (Continued). At the general election in the year one thousand eight hundred and seventy-six, Senators shall be elected from even numbered districts to serve for two years, and from odd numbered districts to serve for four years.

Sec. 5. Election of Governor. The first election of Governor under this Constitution shall be at the general election in the year one thousand eight hundred and seventy-five, when a Governor shall be elected for three years; and the term of the Governor elected in the year one thousand eight hundred and seventy-eight and of those thereafter elected shall be for four years, according to the provisions of this Constitution.

Sec. 6. Election of Lieutenant Governor. At the general election in the year one thousand eight hundred and seventy-four a Lieutenant Governor shall be elected according to the provisions of this Constitution.

Sec. 7. Secretary of Internal Affairs. The Secretary of Internal Affairs shall be elected at the first general election after the adoption of this Constitution; and when the said officer shall be duly elected and qualified, the office of Surveyor General shall be abolished. The Surveyor General in office at the time of the adoption of this Constitution shall continue in office until the expiration of the term for which he was elected.

Sec. 8. Superintendent of Public Instruction. When the Superintendent of Public Instruction shall be duly qualified the office of Superintendent of Common Schools shall cease.

Sec. 9. Eligibility of Present Officers. Nothing contained in this Constitution shall be construed to render any person now holding any State office for a first official term ineligible for re-election at the end of such term.

Sec. 10. Judges of Supreme Court. The judges of the Supreme Court in office when this Constitution shall take effect shall continue until their commissions severally expire. Two judges in addition to

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the number now composing the said court shall be elected at the first general election after the adoption of this Constitution.

Sec. 11. Courts of Record. All courts of record and all existing courts which are not specified in this Constitution shall continue in existence until the first day of December, in the year one thousand eight hundred and seventy five, without abridgment of their present jurisdiction, but no longer. The court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin is hereby abolished, and all causes and proceedings pending therein in the county of Schuylkill shall be tried and disposed of in the courts of oyer and terminer and quarter sessions of the peace of said county.

Sec. 12. Registers' Courts Abolished. The registers' courts now in existence shall be abolished on the first day of January next succeeding the adoption of this Constitution.

Sec. 13. Judicial Districts. The General Assembly shall, at the next session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution. The judges in commission when such designation shall be made shall continue during their unexpired terms judges of the new districts in which they reside; but, when there shall be two judges residing in the same district, the president judge shall elect to which district he shall be assigned, and the additional law judge shall be assigned to the other district.

Sec. 14. Decennial Adjustment of Judicial Districts. The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts as required by this Constitution.

Sec. 15. Judges in Commission. Judges learned in the law of any court of record holding commissions in force at the adoption of this Constitution shall hold their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin as a judge of the court of common pleas of Schuylkill county, for the unexpired term of his office.

Sec. 16. President Judges. Casting Lots. Associate Judges. After the expiration of the term of any president judge of any court of common pleas, in commission at the adoption of this Constitution, the judge of such court learned in the law and oldest in commission shall be the president judge thereof; and when two or more judges are elected at the same time in any judicial district they shall decide by lot which shall be president judge; but when a president

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judge of a court shall be re-elected he shall continue to be president judge of that court. Associate judges not learned in the law, elected after the adoption of this Constitution, shall be commissioned to hold their offices for the term of five years from the first day of January next after their election.

Sec. 17. Compensation of Judges. The General Assembly, at the first session after the adoption of this Constitution, shall fix and determine the compensation of the judges of the Supreme Court and of the judges of the several judicial districts of the Commonwealth; and the provisions of the fifteenth section of the article on legislation shall not be deemed inconsistent herewith. Nothing contained in this Constitution shall be held to reduce the compensation now paid to any law judge of this Commonwealth now in commission.

Sec. 18. Courts of Philadelphia and Allegheny Counties. Organization in Philadelphia. The courts of common pleas in the counties of Philadelphia and Allegheny shall be composed of the present judges of the district court and court of common pleas of said counties until their offices shall severally end, and of such other judges as may from time to time be selected. For the purpose of first organization in Philadelphia the judges of the court number one shall be judges Allison, Pierce and Paxson; of the court number two, Judges Hare, Mitchell and one other judge to be elected; of the court number three, Judges Ludlow, Finletter and Lynd; and of the court number four, Judges Thayer, Briggs and one other judge to be elected. The judge first named shall be the president judge of said courts respectively, and thereafter the president judge shall be the judge oldest in commission; but any president judge re-elected in the same court or district, shall continue to be president judge thereof. The additional judges for courts numbers two and four shall be voted for and elected at the first general election after the adoption of this Constitution, in the same manner as the two additional judges of the Supreme Court, and they shall decide by lot to which court they shall belong. Their term of office shall commence on the first Monday of January, in the year one thousand eight hundred and seventy-five.

Sec. 19. Organization of Courts in Allegheny County. In the county of Allegheny, for the purpose of first organization under this Constitution, the judges of the court of common pleas, at the time of the adoption of this Constitution, shall be the judges of the court number one, and the judges of the district court, at the same date, shall be the judges of the common pleas number two. The president judges of the common pleas and district court shall be president judge of said courts number one and two respectively, until their of-

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fices shall end; and thereafter the judge oldest in commission shall be president judge; but any president judge re-elected in the same court or district, shall continue to be president judge thereof.

Sec. 20. When Re-organization of Courts to Take Effect. The organization of the courts of common pleas under this Constitution for the counties of Philadelphia and Allegheny shall take effect on the first Monday of January, one thousand eight hundred and seventy-five, and existing courts in said counties shall continue with their present powers and jurisdiction until that date, but no new suits shall be instituted in the courts of nisi prius after the adoption of this Constitution.

Sec. 21. Causes Pending in Philadelphia. Transfer of Records. The causes and proceedings pending in the court of nisi prius, court of common pleas, and district court in Philadelphia, shall be tried and disposed of in the court of common pleas. The records and dockets of said courts shall be transferred to the prothonotary's office of said county.

Sec. 22. Causes Pending in Allegheny County. The causes and proceedings pending in the court of common pleas in the county of Allegheny shall be tried and disposed of in the court number one; and the causes and proceedings pending in the district court shall be tried and disposed of in the court number two.

Sec. 23. Prothonotary of Philadelphia County. The prothonotary of the court of common pleas of Philadelphia shall be first appointed by the judges of said court on the first Monday of December in the year one thousand eight hundred and seventy-five, and the present prothonotary of the district court in said county shall be the prothonotary of the said court of common pleas until said date when his commission shall expire, and the present clerk of the court of oyer and terminer and quarter sessions of the peace in Philadelphia shall be the clerk of such court until the expiration of his present commission on the first Monday of December, in the year one thousand eight hundred and seventy-five.

Sec. 24. Aldermen. In cities containing over fifty thousand inhabitants, except Philadelphia, all aldermen in office at the time of the adoption of this Constitution shall continue in office until the expiration of their commissions, and at the election for city and ward officers in the year one thousand eight hundred and seventy-five one alderman shall be elected in each ward as provided in this Constitution.

Sec. 25. Magistrates in Philadelphia. In Philadelphia magistrates in lieu of aldermen shall be chosen as required in this Constitution, at the election in said city for city and ward officers in the

year one thousand eight hundred and seventy-five; their term of office shall commence on the first Monday of April succeeding election. The terms of office of aldermen in said city holding or entitled to commissions at the time of the adoption of this Constitution shall not be affected thereby.

Sec. 26. Term of Present Officers. All persons in office in Commonwealth at the time of the adoption of this Constitution, at the first election under it, shall hold their respective offices the term for which they have been elected or appointed shall extend until their successors shall be duly qualified, unless otherwise provided in this Constitution.

Sec. 27. Oath of Office. The seventh article of this Constitution prescribing an oath of office shall take effect on and after the day of January, one thousand eight hundred and seventy-five.

Sec. 28. County Commissioners and Auditors. The terms of office of county commissioners and county auditors, chosen prior to the year one thousand eight hundred and seventy-five, which has not have expired before the first Monday of January, in the year thousand eight hundred and seventy-six, shall expire on that day.

Sec. 29. Compensation of Present Officers. All State, county, ward, borough and township officers in office at the time of adoption of this Constitution, whose compensation is not provided for by salaries alone, shall continue to receive the compensation allowed them by law until the expiration of their respective term of office.

Sec. 30. Renewal of Oath of Office. All State and judicial officers heretofore elected, sworn, affirmed, or in office when this Constitution shall take effect, shall severally, within one month after such adoption, take and subscribe an oath, or affirmation, to support this Constitution.

Sec. 31. Enforcing Legislation. The General Assembly at its first session, or as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

Sec. 32. An Ordinance Declared Valid. The ordinance passed by this Convention, entitled "An ordinance for submitting the amended Constitution of Pennsylvania to a vote of the electors thereof," shall be valid for all the purposes thereof.

Sec. 33. City Commissioners of Philadelphia. The words "county commissioners," wherever used in this Constitution and in any ordinance accompanying the same, shall be held to include the commissioners for the city of Philadelphia.

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Adopted at Philadelphia, on the third day of November, in the year of our Lord, one thousand eight hundred and seventy-three.

Filed in the office of the Secretary of the Commonwealth, November 13, 1873.

M. S. QUAY,

Secretary of the Commonwealth.

JNO. H. WALKER, President.

D. L. IMBRIE,

Chief Clerk.

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(SCHEDULE NO. 2.)

(AMENDMENTS OF NOVEMBER 2, 1909.)

Sec. 1. Adjustments of Terms of Public Officers to Amendments of 1909.

That no inconvenience may arise from the change in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared that—

In the case of officers elected by the people, all terms of office fixed by act of Assembly at an odd number of years shall each be lengthened one year, but the Legislature may change the length of the term, provided the terms for which such officers are elected shall always be for an even number of years.

The above extension of official terms shall not affect officers elected at the general election of one thousand nine hundred and eight; nor any city, ward, borough, township, or election division officers, whose terms of office, under existing law, end in the year one thousand nine hundred and ten.

In the year one thousand nine hundred and ten the municipal election shall be held on the third Tuesday of February as heretofore; but all officers chosen at that election to an office the regular term of which is two years, and also all election officers and assessors chosen at that election, shall serve until the first Monday of December in the year one thousand nine hundred and eleven. All officers chosen at that election to offices the term of which is now four years, or is made four years by the operation of these amendments or this schedule, shall serve until the first Monday of December in the year

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one thousand nine hundred and thirteen. All justices of the peace, magistrates, and aldermen, chosen at that election, shall serve until the first Monday of December in the year one thousand nine hundred and fifteen. After the year nineteen hundred and ten, and until the Legislature shall otherwise provide, all terms of city, ward, borough, township, and election division officers shall begin on the first Monday of December in an odd-numbered year.

All city, ward, borough, and township officers holding office at the date of the approval of these amendments, whose terms of office may end in the year one thousand nine hundred and eleven, shall continue to hold their offices until the first Monday of December of that year.

All judges of the courts for the several judicial districts, and also all county officers, holding office at the date of the approval of these amendments, whose terms of office may end in the year one thousand nine hundred and eleven, shall continue to hold their offices until the first Monday of January, one thousand nine hundred and twelve.

## AMENDMENTS TO CONSTITUTION

ADOPTED SINCE JANUARY 1, 1916

**Art. IX, Sec. 4. Limitation on State Debt. Highway Loans.** No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed in the aggregate, at any one time, one million dollars: Provided, however, That the General Assembly irrespective of any debt, may authorize the State to issue bonds to the amount of fifty millions of dollars for the purpose of improving and rebuilding the highways of the Commonwealth.

(Amendment of November 5, 1918.)

**Art. IX, Sec. 8. Debts of Municipalities. Debt of Philadelphia.** The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as provided herein, and in section fifteen of this article, shall never exceed seven (7) per centum upon the assessed value of the taxable property therein, but the debt of the city of Philadelphia may be increased in such amount that the total city debt of said city shall not exceed ten per centum (10) upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law. In ascertaining the borrowing capacity of the said city of Philadelphia, at any time, there shall be excluded from the calculation and deducted from such debt so much of the debt of said city as shall have been incurred, and the proceeds thereof invested, in any public improvements of any character which shall be yielding to the said city an annual current net revenue. The amount of such deduction shall be ascertained by capitalizing the annual net revenue from such improvement during the year immediately preceding the time of such ascertainment; and such capitalization shall be estimated by ascertaining the principal amount which would yield such annual, current net revenue, at the average rate of interest, and sinking-fund charges payable upon the indebtedness incurred by said city for such purposes, up to the time of such ascertainment. The method of determining such amount, so to be deducted, may be pre-

scribed by the General Assembly. In incurring indebtedness for any purpose the city of Philadelphia may issue its obligations maturing not later than fifty (50) years from the date thereof, with provision for a sinking-fund sufficient to retire said obligations at maturity, the payment to such sinking-fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said city of Philadelphia for the purpose of construction or improvement of public works of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of, the interest and sinking-fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking-fund charges as required by section ten, article nine of the Constitution of Pennsylvania, until the expiration of said period of one year after the completion of said work.

(Amendment of November 5, 1918.)

**Art. IX, Sec. 8. Debts of Municipalities. Debt of Philadelphia.** The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as provided herein, and in section fifteen of this article, shall never exceed seven (7) per centum upon the assessed value of the taxable property therein, but the debt of the city of Philadelphia may be increased in such amount that the total city debt of said city shall not exceed ten per centum (10) upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law. In ascertaining the borrowing capacity of the city of Philadelphia, at any time, there shall be deducted from such debt so much of the debt of said city as shall have been incurred, or is about to be incurred, and the proceeds thereof expended, or about to be expended, upon any public improvement, or in the construction, purchase, or condemnation of any public utility, or part thereof, or facility therefor, if such public improvement or public utility, or part thereof, whether separately, or in connection with any other public improvement or public utility, or part thereof, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking-fund charges thereon. The method of determining such amount, so to be deducted, may be prescribed by the General Assembly.

In incurring indebtedness for any purpose the city of Philadelphia may issue its obligations maturing not later than fifty (50) years from the date thereof, with provision for a sinking-fund sufficient to retire said obligations at maturity, the payment to such sinking-fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said city of Philadelphia for the purpose of the construction or improvements of public works or utilities of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of, the interest and sinking-fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking-fund charges as required by section ten, article nine of the constitution of Pennsylvania, until the expiration of said period of one year after the completion of said work.

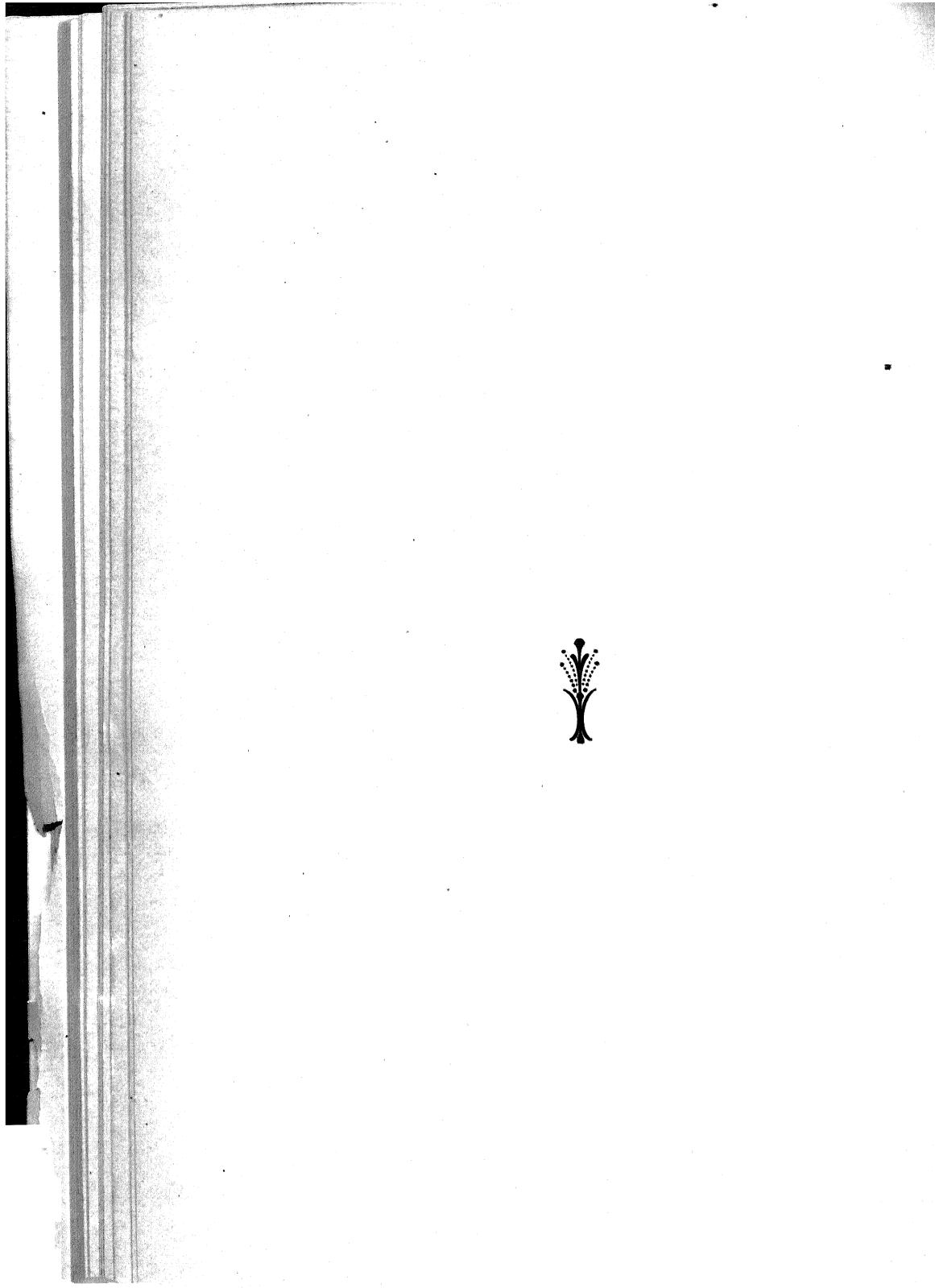
(Amendment of November 2, 1920.)

**Art. XVI, Sec. 11. Incorporation and Powers of Banks and Trust Companies.** The General Assembly shall have the power by general law to provide for the incorporation of banks and trust companies, and to prescribe the powers thereof.

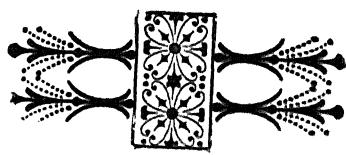
(Amendment of November 2, 1920.)







**LEGISLATION  
PROHIBITED IN PENNSYLVANIA  
ANALYTICALLY INDEXED.**



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**CONSTITUTION**  
OF THE  
**Commonwealth of Pennsylvania,**

1838.



In 1835, by an act of April 14, Pamphlet Laws 270, the Legislature submitted to the electors the question whether a convention should be called to propose amendments to the Constitution. The vote being in favor of it, a convention was called May 2, 1837. The convention after several adjournments completed its labors February 22, 1838. The changes made in the Constitution were slight. The amendments barely succeeded in receiving a majority, the result being 113,971 votes for the amendments and 112,759 votes against the amendments. Although the action of the electors amounted to nothing more than an amendment of the Constitution of 1790, the Constitution as thus amended is popularly known as the Constitution of 1838, and is so designated in this edition.

In transcribing the Constitution of 1838 as amended, the scrivener evidently through inadvertance failed to designate the Declaration of Rights as Article IX, and transcribed it as part of Article VIII. This leaves the original manuscript without any Article IX. In this text the Declaration of Rights has been numbered Article IX as it originally appeared in the Constitution of 1790. The Constitution of 1838 was amended in 1850, 1857, 1864 and 1872, which amendments have been incorporated in their appropriate places in the Constitution.



## CONSTITUTION OF PENNSYLVANIA, 1838.

We, the people of the commonwealth of Pennsylvania, ordain and establish this constitution for its government.

### ARTICLE I.

#### OF THE LEGISLATURE.

Sec. 1. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 2.

Constitution of 1790, Art. I, Sec. 1. (Verbatim.)

Constitution of 1873, Art. II, Sec. 1. (Verbatim.)

Sec. 2. The representatives shall be chosen annually, by the citizens on the second Tuesday of October. (Amendment of 1857.)

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1790, Art. I, Sec. 2. (Verbatim before amendment of 1857.)

Constitution of 1873, Art. II, Secs. 2, 3.

Section two of article one of this Constitution originally read as follows:

Sec. 2. The representatives shall be chosen annually, by the citizens *of the city of Philadelphia, and of each county respectively*, on the second Tuesday of October.

Note: The words in italics were stricken out by the amendment of 1857.

Sec. 3. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State three years next preceding his election, and the last year thereof an inhabitant of the district in and for which he shall be chosen a representative, unless he shall have been absent on the public business of the United States or of this State.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Secs. 7, 8.

Constitution of 1790, Art. I, Sec. 3.

Constitution of 1873, Art. II, Sec. 5.

1838, Article I.

Sec. 4. In the year one thousand eight hundred and sixty-four, and in every seventh year thereafter, representatives to the number of one hundred shall be apportioned and distributed equally throughout the State by districts, in proportion to the number of taxable inhabitants in the several parts thereof; except that any county containing at least three thousand five hundred taxables may be allowed a separate representation; but no more than three counties shall be joined, and no county shall be divided in the formation of a district. Any city containing a sufficient number of taxables to entitle it to at least two representatives, shall have a separate representation assigned it, and shall be divided into convenient districts of contiguous territory, of equal taxable population as near as may be, each of which districts shall elect one representative. (Amendment of 1857.)

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 17.

Constitution of 1790, Art. I, Sec. 4.

Constitution of 1873, Art. II, Secs. 17, 18.

Section four of article one of this Constitution originally read as follows:

Sec. 4. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty nor greater than one hundred. Each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representation until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeably to the ratio of which shall then be established.

Sec. 5. The senators shall be chosen for three years by the citizens at the same time, in the same manner, and at the same places where they shall vote for representatives. (Amendment of 1857.)

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 5.

Constitution of 1873, Art. II, Secs. 2, 3.

Section one of article five of this Constitution originally read as follows:

Sec. 5. The senators shall be chosen for three years by the citizens of Philadelphia and of the several counties, at the same time, in the same manner, and at the same places where they shall vote for representatives.

Note: The words in italics were stricken out by the amendment of 1857.

1838, Article I.

Sec. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 6. (Verbatim.)

Constitution of 1873, Art. II, Secs. 16, 18.

Sec. 7. The senators shall be chosen in districts, to be formed by the legislature; but no district shall be so formed as to entitle it to elect more than two senators, unless the number of taxable inhabitants in any city or county shall, at any time, be such as to entitle it to elect more than two, but no city or county shall be entitled to elect more than four senators; when a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district.

*The city of Philadelphia shall be divided into single senatorial districts of contiguous territory, as nearly equal in taxable population as possible; but no ward shall be divided in the formation thereof.*

*The legislature, at its first session after the adoption of this amendment, shall divide the city of Philadelphia into senatorial and representative districts in the manner above provided; such districts to remain unchanged until the apportionment in the year one thousand eight hundred and sixty-four.* (Amendment of 1857.)

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 7.

Constitution of 1873, Art. II, Secs. 16, 18.

Section seven of article one of this Constitution originally read as follows:

Sec. 7. The senators shall be chosen in districts, to be formed by the legislature; but no district shall be so formed as to entitle it to elect more than two senators, unless the number of taxable inhabitants in any city or county shall, at any time, be such as to entitle it to elect more than two, but no city or county shall be entitled to elect more than four senators; when a district shall be composed of more than two counties, they shall be adjoining; *neither the city of Philadelphia nor any county shall be divided in forming a district.*

Note: The words in italics were stricken out by the amendment of 1857, and the words in italics in the section cited above inserted.

Sec. 8. No person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the State for four years next before his election, and the last year

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thereof an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State; and no person elected as aforesaid shall hold said office after he shall have removed from such district.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 8.

Constitution of 1873, Art. II, Sec. 5.

Sec. 9. The senators who may be elected at the first general election after the adoption of the amendments to the constitution, shall be divided by lot into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that thereafter one-third of the whole number of senators may be chosen every year. The senators elected before the amendments to the constitution shall be adopted shall hold their offices during the terms for which they shall respectively have been elected.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. I, Sec. 9.

Sec. 10. The general assembly shall meet on the first Tuesday of January in every year, unless sooner convened by the governor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1790, Art. I, Sec. 10.

Constitution of 1873, Art. II, Sec. 4

Sec. 11. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker pro tempore when the speaker shall exercise the office of governor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1790, Art. I, Sec. 11. (Verbatim).

Constitution of 1873, Art. II, Sec. 8

Sec. 12. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee, to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and

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y be authorized by law to compel the attendance of absent mem-  
s in such manner and under such penalties as may be provided.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Secs. 9, 10.
- Constitution of 1790, Art. I, Sec. 12. (Verbatim).
- Constitution of 1873, Art. II, Secs. 9, 10.

Sec. 13. Each house may determine the rules of its proceedings, nish its members for disorderly behavior, and, with the concurrence two-thirds, expel a member, but not a second time for the same use; and shall have all other powers necessary for a branch of the legislature of a free State.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Sec. 9.
- Constitution of 1790, Art. I, Sec. 13 (Verbatim).
- Constitution of 1873, Art. II, Sec. 11.

Sec. 14. The legislature shall not have power to enact laws an- illing the contract of marriage in any case where, by law, the courts of this commonwealth are, or hereafter may be, empowered to decree a divorce.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1873, Art. III, Sec. 7.

Sec. 15. Each house shall keep a journal of its proceedings and publish them weekly, except such part as may require secrecy; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Sec. 14.
- Constitution of 1790, Art. I, Sec. 14. (Verbatim).
- Constitution of 1873, Art. II, Sec. 12.

Sec. 16. The doors of each house and of committees of the whole shall be open, unless when the business shall be such as ought to be kept secret.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Sec. 13.
- Constitution of 1790, Art. I, Sec. 15 (Verbatim).
- Constitution of 1873, Art. II, Sec. 13.

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Sec. 17. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 16. (Verbatim).

Constitution of 1873, Art. II, Sec. 14. (Verbatim).

Sec. 18. The senators and representatives shall receive a compensation for their services to be ascertained by law, and paid out of the treasury of the commonwealth. They shall in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same. And for a speech or debate in either house they shall not be questioned in another place.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 17.

Constitution of 1790, Art. I, Sec. 17. (Verbatim).

Constitution of 1873, Art. II, Secs. 8, 15.

Sec. 19. No senator or representative shall, during the time in which he shall have been elected, be appointed to any civil office under this commonwealth which shall have been created, or the emoluments of which shall have been increased, during such time, and no member of Congress or other person holding any office (except attorney at law and in the militia) under the United States or this commonwealth, shall be a member of either house during his continuance in Congress or in office.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 7.

Constitution of 1790, Art. I, Sec. 18. (Verbatim).

Constitution of 1873, Art. II, Sec. 6.

Sec. 20. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 19. (Verbatim).

Constitution of 1873, Art. II, Sec. 2.

Sec. 21. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments, as to other bills.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 20. (Verbatim).

Constitution of 1873, Art. III, Sec. 14. (Verbatim).

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Sec. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 21. (Verbatim).

Constitution of 1873, Art. III, Sec. 16.

Sec. 23. Every bill which shall have passed both houses shall be presented to the governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objection, to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered, and if approved by two-thirds of that house it shall be a law. But in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sunday excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly, by their adjournment, prevented its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 22. (Verbatim).

Constitution of 1873, Art. IV, Sec. 15.

Sec. 24. Every order, resolution, or vote to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 23. (Verbatim).

Constitution of 1873, Art. III, Sec. 26. (Verbatim).

Sec. 25. No corporate body shall be hereafter created, renewed, or extended, with banking or discounting privileges, without six months' previous public notice of the intended application for the same in such manner as shall be prescribed by law. Nor shall any charter for the purposes aforesaid be granted for a longer period than twenty years; and every such charter shall contain a clause reserving to the legislature the power to alter, revoke, or annul the same, when-

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ever in their opinion it may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew, extend the charter of more than one corporation.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. XVI, Secs. 10, 11.

Sec. 26. The legislature shall have the power to alter, revoke, annul any charter of incorporation hereafter conferred by or under any special or general law whenever in their opinion it may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators. (Amendment of 1857.)

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. XIV, Sec. 10.

(Note. Article one of this Constitution in its original form consisted of twenty-five sections).

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ARTICLE II.

Sec. 1. The supreme executive power of this commonwealth shall be vested in a governor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 3.

Constitution of 1790, Art. II, Sec. 1. (Verbatim).

Constitution of 1873, Art. IV, Sec. 2.

Sec. 2. The governor shall be chosen on the second Tuesday in October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them in the presence of the members of both houses of the legislature. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 2. (Verbatim).

Constitution of 1873, Art. IV, Sec. 2, 17.

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Sec. 3. The governor shall hold his office during three years from the third Tuesday of January next ensuing his election, and shall not be capable of holding it longer than six in any term of nine years.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 3.

Constitution of 1873, Art. IV, Sec. 3.

Sec. 4. He shall be at least thirty years of age, and have been a citizen and inhabitant of this State seven years next before his election; unless he shall have been absent on the public business of the United States or of this State.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 4. (Verbatim).

Constitution of 1873, Art. IV, Sec. 5.

Sec. 5. No member of Congress, or person holding any office under the United States or this State, shall exercise the office of governor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 5. (Verbatim).

Constitution of 1873, Art. IV, Sec. 6

Sec. 6. The governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. II, Sec. 6. (Verbatim).

Sec. 7. He shall be commander-in-chief of the army and navy of this commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 20.

Constitution of 1790, Art. II, Sec. 7. (Verbatim).

Constitution of 1873, Art. IV, Sec. 7.

Sec. 8. He shall appoint a secretary of the commonwealth during pleasure, and he shall nominate and, by and with the advice and consent of the senate, appoint all judicial officers of courts of record, unless otherwise provided for in this constitution. He shall have power to fill all vacancies that may happen in such judicial offices during the recess of the senate, by granting commissions, which shall expire at the end of their next session: Provided, That in acting on executive nominations the senate shall sit with open doors, and

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in confirming or rejecting the nominations of the governor the votes shall be taken by yeas and nays.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 15.

Constitution of 1873, Art. IV, Sec. 8.

Art. V, Sec. 25.

Sec. 9. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 20.

Constitution of 1790, Art. II, Sec. 9. (Verbatim).

Constitution of 1873, Art. IV, Sec. 9.

Sec. 10. He may require information in writing from the officers in the executive department on any subject relating to the duties of their respective offices.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 10. (Verbatim).

Constitution of 1873, Art. IV, Sec. 10.

Sec. 11. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 11. (Verbatim).

Constitution of 1873, Art. IV, Sec. 11.

Sec. 12. He may, on extraordinary occasions, convene the general assembly; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 20.

Constitution of 1790, Art. II, Sec. 12. (Verbatim).

Constitution of 1873, Art. IV, Sec. 12.

Sec. 13. He shall take care that the laws be faithfully executed.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 20.

Constitution of 1790, Art. II, Sec. 13. (Verbatim).

Constitution of 1873, Art. IV, Sec. 2.

Sec. 14. In case of the death or resignation of the governor, or his removal from office, the speaker of the senate shall exercise the

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office of governor until another governor shall be duly qualified; but in such case another governor shall be chosen at the next annual election of representatives, unless such death, resignation, or removal shall occur within three calendar months immediately preceding such next annual election, in which case a governor shall be chosen at the second succeeding annual election of representatives. And if the trial of a contested election shall continue longer than until the third Monday of January next ensuing the election of governor, the governor of the last year or the speaker of the senate who may be in the exercise of the executive authority shall continue therein until the determination of such contested election, and until a governor shall be duly qualified as aforesaid.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 14.  
Constitution of 1873, Art. IV, Sec. 13.

Sec. 15. The secretary of the commonwealth shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same and all papers, minutes, and vouchers relative thereto before either branch of the legislature, and shall perform such other duties as shall be enjoined him by law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 15.  
Constitution of 1873, Art. IV, Sec. 18.

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ARTICLE III.

OF ELECTIONS.

Sec. 1. In elections by the citizens, every white freeman of the age of twenty-one years, having resided in this State one year, and in the election-district where he offers to vote ten days immediately preceding such election, and within two years paid a State or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector. But a citizen of the United States, who had previously been a qualified voter of this State and removed therefrom and returned, and who shall have resided in the election-district and paid taxes as aforesaid, shall be entitled to vote after residing in the State six months: Provided, That white free-men, citizens of the United States, between the ages of twenty-one

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and twenty-two years, and having resided in the State one year and in the election-district ten days as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Sec. 6.
- Constitution of 1790, Art. III, Sec. 1.
- Constitution of 1873, Art. VIII, Sec. 1.

**Sec. 2.** All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce*.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Sec. 32.
- Constitution of 1790, Art. III, Sec. 2 (Verbatim).
- Constitution of 1873, Art. VIII, Secs. 4,12.

**Sec. 3.** Electors shall in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning from them.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1790, Art. III, Sec. 3. (Verbatim).
- Constitution of 1873, Art. VIII, Sec. 5.

**Sec. 4.** Whenever any of the qualified electors of this commonwealth shall be in any actual military service, under a requisition from the President of the United States or by the authority of this commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual place of election. (Amendment of 1864.)

Corresponding provisions of subsequent Constitutions:

- Constitution of 1873, Art. VIII, Sec. 6. (Verbatim).

(Note. Article three of this Constitution in its original form consisted of but three sections.

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**ARTICLE IV.**

**OF IMPEACHMENT.**

**Sec. 1.** The house of representatives shall have the sole power of impeaching.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Sec. 22.
- Constitution of 1790, Art. IV, Sec. 1. (Verbatim).
- Constitution of 1873, Art. VI, Sec. 1.

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Sec. 2. All impeachments shall be tried by the senate; when sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 22.

Constitution of 1790, Art. IV, Sec. 2. (Verbatim).

Constitution of 1873, Art. VI, Sec. 2. (Verbatim).

Sec. 3. The governor and all other civil officers under this commonwealth shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit under this commonwealth; the party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 22.

Constitution of 1790, Art. IV, Sec. 3. (Verbatim).

Constitution of 1873, Art. VI, Sec. 3

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ARTICLE V.

OF THE JUDICIARY.

Sec. 1. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, registers' court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may from time to time establish.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 26.

Constitution of 1790, Art. V, Sec. 1. (Verbatim).

Constitution of 1873, Art. V, Sec. 1.

Sec. 2. The judges of the supreme court, of the several courts of common pleas, and of such other courts of record as are or shall be established by law, shall be elected by the qualified electors of the commonwealth in the manner following, to wit: The judges of the supreme court, by the qualified electors of the commonwealth at

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large; the president judges of the several courts of common pleas: of such other courts of record as are or shall be established by law; and all other judges required to be learned in the law, by the qualified electors of the respective districts over which they are to preside or act as judges; and the associate judges of the courts of common pleas, by the qualified electors of the counties respectively. The judges of the supreme court shall hold their offices for the term of fifteen years, if they shall so long behave themselves well, (subject to the allotment hereinafter provided for, subsequent to the first election); the president judges of the several courts of common pleas and of such other courts of record as are or shall be established by law, and all other judges required to be learned in the law, shall hold their offices for the term of ten years, if they shall so long behave themselves well; the associate judges of the courts of common pleas shall hold their offices for the term of five years, if they shall so long behave themselves well; all of whom shall be commissioned by the governor, but for any reasonable cause which shall be sufficient grounds of impeachment, the governor shall remove any of them on the address of two-thirds of each branch of the legislature. The first election shall take place at the general election of this Commonwealth next after the adoption of this amendment, and the commissions of all the judges who may be then in office shall expire on the first Monday of December following, when the terms of the new judges shall commence. The persons who shall then be elected judges of the supreme court shall hold their offices as follows: One of them for three years, one for six years, one for nine years, one for twelve years, and one for fifteen years, the term of each to be decided by lot by the said judges as soon after the election as convenient, and the result certified by them to the governor, that the commissions may be issued in accordance thereto. The judge whose commission will first expire shall be chief justice during his term, and thereafter each judge whose commission shall first expire shall in turn be the chief justice, and if two or more commissions shall expire on the same day, the judges holding them shall decide by lot which shall be the chief justice. Any vacancies happening by death, resignation, or otherwise, in any of the said courts, shall be filled by appointment by the governor, to continue till the first Monday of December succeeding the next general election. The judges of the supreme court and the presidents of the several courts of common pleas shall at stated times receive for their service an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit under this Commonwealth.

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or under the Government of the United States, or any other State of this Union. The judges of the supreme court during their continuance in office shall reside within this commonwealth, and the other judges during their continuance in office shall reside within the district or county for which they were respectively elected. (Amendment of 1850.)

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Secs. 20, 23.

Constitution of 1790, Art. V, Secs. 2, 4.

Constitution of 1873, Art. V, Secs. 2, 15, 17, 18, 19, 25.

Section two of article five of this Constitution originally read as follows:

Sec. 2. The judges of the supreme court, of the several courts of common pleas, and of such other courts of record as are or shall be established by law, shall be nominated by the governor and, by and with the consent of the senate, appointed and commissioned by him. The judges of the supreme court shall hold their offices for the term of fifteen years, if they shall so long behave themselves well. The president judges of the several courts of common pleas, and of such other courts of record as are or shall be established by law, and all other judges, required to be learned in the law, shall hold their offices for the term of ten years, if they shall so long behave themselves well. The associate judges of the courts of common pleas shall hold their offices for the term of five years, if they shall so long behave themselves well. But for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them on the address of two-thirds of each branch of the legislature. The judges of the supreme court and the presidents of the several courts of common pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any office of profit under this commonwealth.

Sec. 3. Until otherwise directed by law, the courts of common pleas shall continue as at present established. Not more than five counties shall at any time be included in one judicial district organized for said courts.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. V, Sec. 4.

Constitution of 1873, Art. V, Sec. 4.

Sec. 4. The jurisdiction of the supreme court shall extend over the State and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail-delivery, in the several counties.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. V, Sec. 3. (Verbatim).

Constitution of 1873, Art. V, Sec. 3.

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Sec. 5. The judges of the court of common pleas in each county shall, by virtue of their offices, be justices of oyer and terminer and general jail-delivery, for the trial of capital and other offenders therein; any two of said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer, or jail delivery, in any county, when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may, under such regulations as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. V, Sec. 5. (Verbatim).

Constitution of 1873, Art. V, Secs. 9, 24.

Sec. 6. The supreme court, and the several courts of common pleas, shall, beside the powers heretofore usually exercised by them have the powers of a court of chancery, so far as relates to the perpetuating of testimony, the obtaining of evidence from places not within the State, and the care of the persons and estates of those who are non compotes mentis. And the legislature shall vest in the said courts such other powers to grant relief in equity as shall be found necessary; and may, from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper, for the due administration of justice.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 24.

Constitution of 1790, Art. V, Sec. 6. (Verbatim).

Constitution of 1873, Art. V, Sec. 20.

Sec. 7. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphans' court thereof; and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. V, Sec. 7. (Verbatim).

Constitution of 1873, Art. V, Secs. 9, 22.

Sec. 8. The judges of the courts of common pleas shall, within their respective counties, have like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. V, Sec. 8. (Verbatim).

Constitution of 1873, Art. V, Sec. 10.

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Sec. 9. The president of the court in each circuit within such circuit, and the judges of the court of common pleas within their respective counties, shall be justices of the peace, so far as relates to criminal matters.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. V, Sec. 9. (Verbatim).

Constitution of 1873, Art. V, Sec. 9.

Sec. 10. A register's office, for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 34.

Constitution of 1790, Art. V, Sec. 11. (Verbatim).

Constitution of 1873, Art. XIV, Sec. 4.

Sec. 11. The style of all process shall be "The commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude, "against the peace and dignity of the same."

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 27.

Constitution of 1790, Art. V, Sec. 12. (Verbatim).

Constitution of 1873, Art. V, Sec. 23. (Verbatim).

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## ARTICLE VI.

### OF SHERIFFS AND CORONERS.

Sec. 1. Sheriffs and coroners shall, at the time and places of election of representatives, be chosen by the citizens of each county. One person shall be chosen for each office, who shall be commissioned by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices shall be filled by an appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 31.

Constitution of 1790, Art. VI, Sec. 1.

Constitution of 1873, Art. XIV, Secs. 1, 2.

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Sec. 2. The freemen of this commonwealth shall be armed, organized, and disciplined for its defence, when and in such manner as may be directed by law. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 5.

Constitution of 1790, Art. VI, Sec. 2.

Constitution of 1873, Art. XI, Sec. 1.

Sec. 3. Prothonotaries of the supreme court shall be appointed by the said court for the term of three years, if they so long behave themselves well. Prothonotaries and clerks of the several other courts, recorders of deeds, and registrars of wills, shall, at the times and places of election of representatives, be elected by the qualified electors of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The legislature shall provide by law the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by appointments to be made by the governor, to continue until the next general election, and until successors shall be elected and qualified as aforesaid.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. XIV, Sec. 2.

Sec. 4. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills, and sheriffs, shall keep their offices in the county-town of the county in which they, respectively, shall be officers, unless when the governor shall, for special reasons, dispense therewith, for any term not exceeding five years after the county shall have been erected.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 34.

Constitution of 1790, Art. VI, Sec. 3 (Verbatim).

Constitution of 1873, Art. XIV, Sec. 4.

Sec. 5. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the State seal and signed by the governor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 21.

Constitution of 1790, Art. VI, Sec. 4 (Verbatim).

Constitution of 1873, Art. IV, Sec. 22.

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Sec. 6. A State Treasurer shall be chosen by the qualified electors of the State, at such times and for such term of service as shall be prescribed by law. (Amendment of 1872.)

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1790, Art. VI, Sec. 5.

Constitution of 1873, Art. IV, Sec. 21.

Section six of article six of this Constitution originally read as follows:

Sec. 6. A State treasurer shall be elected annually, by joint vote of both branches of the legislature.

Sec. 7. Justices of the peace or alderman shall be elected in the several wards, boroughs, and townships, at the time of the election of constables, by the qualified voters thereof, in such number as shall be directed by law, and shall be commissioned by the governor for a term of five years. But no township, ward, or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward, or borough.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 30.

Constitution of 1790, Art. V, Sec. 10.

Constitution of 1873, Art. V, Sec. 11.

Sec. 8. All officers whose election or appointment is not provided for in this constitution shall be elected or appointed as shall be directed by law. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of Congress from this State or any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary is, or fees or perquisites are, by law, annexed; and the legislature may by law declare what State offices are incompatible. No member of the senate or of the house of representatives shall be appointed by the governor to any office during the term for which he shall have been elected.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 7.

Constitution of 1790, Art. II, Sec. 8.

Constitution of 1873, Art. II, Sec. 6.

Art. XII, Secs. 1, 2.

1838, Article VII.

Sec. 9. All officers for a term of years shall hold their offices for the terms respectively specified, only on the condition that they shall long behave themselves well; and shall be removed on conviction of misbehavior in office or of any infamous crime.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. VI, Sec. 4.

Sec. 10. Any person who shall, after the adoption of the amendments proposed by this convention to the constitution, fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State; and shall be punished otherwise in such manner as is or may be prescribed by law; but the executive may remit the said offence and all its disqualifications.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. XII, Sec. 3.

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## ARTICLE VII.

### EDUCATION.

Sec. 1. The legislature shall, as soon as conveniently may be provide by law for the establishment of schools throughout the State in such manner that the poor may be taught gratis.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 44.

Constitution of 1790, Art. VII, Sec. I. (Verbatim).

Constitution of 1873, Art. X, Sec. 1.

Sec. 2. The arts and sciences shall be promoted in one or more seminaries of learning.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. VII, Sec. 2. (Verbatim).

Sec. 3. The rights, privileges, immunities, and estates of religious societies and corporate bodies shall remain as if the constitution of this State had not been altered or amended.

Corresponding provisions of prior Constitutions:

Constitution of 1790, Art. VII, Sec. 3. (Verbatim).

1838, Article VIII.

Sec. 4. The legislature shall not invest any corporate body or individual with the privilege of taking private property for public use, without requiring such corporation or individual to make compensation to the owners of said property, or give adequate security therefor, before such property shall be taken.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art XVI, Sec. 8.

ARTICLE VIII.

OATHS OF OFFICE.

Members of the general assembly, and all officers executive and judicial, shall be bound by oath or affirmation to support the constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Secs. 10, 40.

Constitution of 1790, Art. VIII. (Verbatim).

Constitution of 1873, Art. VII, Sec. 1.

ARTICLE IX.

DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare—

Sec. 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. 1.

Constitution of 1790, Art. IX, Sec. 1. (Verbatim).

Constitution of 1873, Art. I, Sec. 1. (Verbatim).

1838, Article IX.

Sec. 2. All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness. For the advancement of those ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. V.
- Constitution of 1790, Art. IX, Sec. 2. (Verbatim).
- Constitution of 1873, Art. I, Sec. 2.

Sec. 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any such case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. II.
- Constitution of 1790, Art. IX, Sec. 3. (Verbatim).
- Constitution of 1873, Art. I, Sec. 3. (Verbatim).

Sec. 4. No person who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. II.
- Constitution of 1790, Art. IX, Sec. 4. (Verbatim).
- Constitution of 1873, Art. I, Sec. 4. (Verbatim).

Sec. 5. Elections shall be free and equal.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. VII.
- Constitution of 1790, Art. IX, Sec. 5 (Verbatim).
- Constitution of 1873, Art. I, Sec. 5.

Sec. 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. XI.
- Sec. 25.
- Constitution of 1790, Art. IX, Sec. 6. (Verbatim).
- Constitution of 1873, Art. I, Sec. 6. (Verbatim).

1838, Article IX.

Sec. 7. The printing-presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecution for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XII.

Sec. 35.

Constitution of 1790, Art. IX, Sec. 7. (Verbatim).

Constitution of 1873, Art. I, Sec. 7.

Sec. 8. The people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. X.

Constitution of 1790, Art. XI, Sec. 8. (Verbatim).

Constitution of 1873, Art. I, Sec. 8.

Sec. 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers or the law of the land.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. IX.

Constitution of 1790, Art. IX, Sec. 9. (Verbatim).

Constitution of 1873, Art. I, Sec. 9. (Verbatim).

1838, Article IX.

Sec. 10. No person shall, for any indictable offence, be proceeded against criminally by information; except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; or by leave of the court for oppression and misdemeanor in office. No person shall for the same offence be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives and without just compensation being made.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. VIII.  
Constitution of 1790, Art. IX, Sec. 10. (Verbatim).  
Constitution of 1873, Art. I, Sec. 10.

Sec. 11. All courts shall be open, and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases as the legislature may, by law, direct.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. II. (Verbatim).  
Constitution of 1873, Art. I, Sec. 11. (Verbatim).

Sec. 12. No power of suspending laws shall be exercised, unless by the legislature or its authority.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 12. (Verbatim).  
Constitution of 1873, Art. I, Sec. 12.

Sec. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 29.  
Constitution of 1790, Art. IX, Sec. 13. (Verbatim).  
Constitution of 1873, Art. I, Sec. 13. (Verbatim).

Sec. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 28.  
Constitution of 1790, Art. I, Sec. 14. (Verbatim).  
Constitution of 1873, Art. I, Sec. 14. (Verbatim).

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Sec. 15. No commission of oyer and terminer or jail-delivery shall be issued.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 15. (Verbatim).

Constitution of 1873, Art. I, Sec. 15. (Verbatim).

Sec. 16. The person of a debtor, where there is not strong presumption of fraud shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 28.

Constitution of 1790, Art. IX, Sec. 16. (Verbatim).

Constitution of 1873, Art. I, Sec. 16. (Verbatim).

Sec. 17. No ex post facto law, nor any law impairing contracts, shall be made.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 17. (Verbatim).

Constitution of 1873, Art. I, Sec. 17.

Sec. 18. No person shall be attainted of treason or felony by the legislature.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 18. (Verbatim).

Constitution of 1873, Art. I, Sec. 18. (Verbatim).

Sec. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth; that the estates of such persons as shall destroy their own lives shall descent or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 19. (Verbatim).

Constitution of 1873, Art. I, Sec. 19. (Verbatim).

Sec. 20. The citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XVI.

Constitution of 1790, Art. IX, Sec. 20. (Verbatim).

Constitution of 1873, Art. I, Sec. 20. (Verbatim).

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Sec. 21. The right of the citizens to bear arms, in defence of themselves and the State, shall not be questioned.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XIII.

Constitution of 1790, Art. IX, Sec. 21. (Verbatim).

Constitution of 1873, Art. I, Sec. 21. (Verbatim).

Sec. 22. No standing army shall, in time of peace, be kept up, without the consent of the legislature; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XIV.

Constitution of 1790, Art. IX, Sec. 22. (Verbatim).

Constitution of 1873, Art. I, Sec. 22. (Verbatim).

Sec. 23. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 23. (Verbatim).

Constitution of 1873, Art. I, Sec. 23. (Verbatim).

Sec. 24. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer term than during good behavior.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 24. (Verbatim).

Constitution of 1873, Art. I, Sec. 24.

Sec. 25. Emigration from the State shall not be prohibited.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XV.

Constitution of 1790, Art. IX, Sec. 25. (Verbatim).

Constitution of 1873, Art. I, Sec. 25. (Verbatim).

Sec. 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 26. (Verbatim).

Constitution of 1873, Art. I, Sec. 26. (Verbatim).

## ARTICLE X.

Any amendment or amendments to this constitution may be proposed in the senate or house of representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the secretary of the commonwealth shall cause the same to be published three months before the next election, in at least one newspaper in every county in which a newspaper shall be published; and if in the legislature next afterward chosen such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of the commonwealth shall cause the same again to be published in manner aforesaid, and such proposed amendment or amendments shall be submitted to the people in such manner and at such time, at least three months after being so agreed to by the two houses, as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the qualified voters of this State voting thereon, such amendment or amendments shall become a part of the constitution, but no amendment or amendments shall be submitted to the people oftener than once in five years: *Provided*, That if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 47.

Constitution of 1873, Art. XVIII, Sec. 1.

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## ARTICLE XI.

### (AMENDMENT OF 1857.)

Sec. 1. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for, but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly or at different periods of time, shall never exceed seven hundred and fifty thousand dollars, and the money arising from the

1838, Article XI.

creation of such debts shall be applied to the purposes for which was obtained, or to repay the debts so contracted and to no other purpose whatever.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. IX, Secs. 4, 5.

Sec. 2. In addition to the above limited power, the State may contract debts to repel invasion, suppress insurrection, defend the State in war, or to redeem the present outstanding indebtedness of the State; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised or to repay such debts, and to no other purpose whatever.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. IX, Secs. 4, 5.

Sec. 3. Except the debts above specified in sections one and two of this article, no debt whatever shall be created by or on behalf of the State.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. IX, Sec. 4.

Sec. 4. To provide for the payment of the present debt, and any additional debt contracted as aforesaid, the legislature shall, at its first session after the adoption of this amendment, create a sinking-fund, which shall be sufficient to pay the accruing interest on such debt and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; which sinking-fund shall consist of the net annual income of the public works from time to time owned by the State, or the proceeds of the sale of the same or any part thereof, and of the income or proceeds of sale of stocks owned by the State, together with other funds or resources that may be designated by law. The said sinking-fund may be increased from time to time by assigning to it any part of the taxes or other revenue of the State not required for the ordinary and current expenses of the government, and, unless in case of war, invasion, or insurrection, no part of the said sinking-fund shall be used or applied otherwise than in extinguishment of the public debt, until the amount of such debt is reduced below the sum of five millions of dollars.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. IX, Sec. 11.

Sec. 5. The credit of the commonwealth shall not in any manner or event be pledged or loaned to any individual, company, corporation, or association, nor shall the commonwealth hereafter become

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joint owner or stockholder in any company, association, or corporation.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. IX, Sec. 6.

Sec. 6. The commonwealth shall not assume the debt, or any part thereof, of any county, city, borough, or township, or of any corporation or association, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. IX, Sec. 9.

Sec. 7. The legislature shall not authorize any county, city, borough, township, or corporated district, by virtue of a vote of its citizens or otherwise, to become a stockholder in any company, association, or corporation, or to obtain money for or loan its credit to any corporation, association, institution, or party.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. IX, Sec. 7.

Sec. 8. No bill shall be passed by the legislature containing more than one subject, which shall be expressed in the title, except appropriation bills. (Amendment of 1864.)

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. III, Sec. 3.

(Note. Article eleven of this Constitution, added by the amendment of 1857, in its original form consisted of but seven sections).

Sec. 9. No bill shall be passed by the legislature granting any powers or privileges, in any case, where the authority to grant such powers or privileges has been or may hereafter be conferred upon the courts of this commonwealth. (Amendment of 1864.)

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. III, Sec. 7 (Last paragraph).

(Note. Article eleven of this Constitution, added by the amendment of 1857, in its original form consisted of but seven sections).

1857, Schedule.

## ARTICLE XII.

### (AMENDMENT OF 1857.)

No county shall be divided by a line cutting off over one-tenth of its population (either to form a new county or otherwise) without the express assent of such county, by a vote of the electors thereof, nor shall any new county be established containing less than four hundred square miles.

Corresponding provisions of subsequent Constitutions:

Constitution of 1873, Art. XIII, Sec. 1.

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## SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained that—

Sec. 1. All laws of this commonwealth in force at the time when the said alterations and amendments in the said constitution shall take effect, and not inconsistent therewith, and all rights, prosecutions, actions, claims, and contracts, as well of individuals as of bodies-corporate, shall continue as if the said alterations and amendments had not been made.

Sec. 2. The alterations and amendments in the said constitution shall take effect from the first day of January, eighteen hundred and thirty-nine.

Sec. 3. The clauses, sections, and articles of the said constitution which remain unaltered, shall continue to be construed and have effect as if the said constitution had not been amended.

Sec. 4. The general assembly which shall convene in December, eighteen hundred and thirty-eight, shall continue its session, as heretofore, notwithstanding the provision in the eleventh section of the first article, and shall at all times be regarded as the first general assembly under the amended constitution.

Sec. 5. The governor who shall be elected in October, eighteen hundred and thirty-eight, shall be inaugurated on the third Tuesday in

1857, Schedule.

January, eighteen hundred and thirty-nine; to which time the present executive term is hereby extended.

Sec. 6. The commission of the judges of the supreme court who may be in office on the first day of January next shall expire in the following manner: The commission which bears the earliest date shall expire on the first day of January, Anno Domini one thousand eight hundred and forty-two; the commission next dated shall expire on the first day of January, Anno Domini one thousand eight hundred and forty-five; the commission next dated shall expire on the first day of January, Anno Domini one thousand eight hundred and forty-eight; the commission next dated shall expire on the first day of January, Anno Domini one thousand eight hundred and fifty-one; and the commission last dated shall expire on the first day of January, Anno Domini one thousand eight hundred and fifty-four.

Sec. 7. The commissions of the president judges of the several judicial districts, and of the associate law judges of the first judicial districts, shall expire as follows: The commissions of one-half of those who shall have held their offices ten years or more, at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February, one thousand eight hundred and thirty-nine; the commissions of the other half of those who shall have held their offices ten years or more, at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-two; the first half to embrace those whose commissions shall bear the oldest date. The commissions of all the remaining judges who shall not have held their offices for ten years, at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February next after the end of ten years from the date of their commissions.

Sec. 8. The recorders of the several mayors' courts in this commonwealth shall be appointed for the same time and in the same manner as the president judges of the several judicial districts; of those now in office, the commission oldest in date shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-one, and the others every two years thereafter according to their respective dates; those oldest in date expiring first.

Sec. 9. The legislature, at its first session under the amended constitution, shall divide the other associate judges of the State into four classes. The commissions of those of the first class shall expire on the twenty-seventh day of February, eighteen hundred and forty; of those of the second class on the twenty-seventh day of February, eighteen hundred and forty-one; of those of the third class on the twenty-seventh day of February, eighteen hundred and forty-two; and

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of those of the fourth class on the twenty-seventh day of February, eighteen hundred and forty-three. The said classes, from the first to the fourth, shall be arranged according to the seniority of the commissions of the several judges.

Sec. 10. Prothonotaries, clerks of the several courts, (except of the supreme court,) recorders of deeds, and registers of wills, shall be first elected under the amended constitution at the election of representatives, in the year eighteen hundred and thirty-nine, in such manner as may be prescribed by law.

Sec. 11. The appointing power shall remain as heretofore, and all officers in the appointment of the executive department shall continue in the exercise of the duties of their respective offices until the legislature shall pass such laws as may be required by the eight section of the sixth article of the amended constitution, and until appointments shall be made under such laws, unless their commissions shall be superseded by new appointments, or shall sooner expire by their own limitations, or the said offices shall become vacant by death or resignation, and such laws shall be enacted by the first legislature under the amended constitution.

Sec. 12. The first election for aldermen and justices of the peace shall be held in the year eighteen hundred and forty, at the time fixed for the election of constables. The legislature, at its first session under the amended constitution, shall provide for the said election and for subsequent similar elections. The aldermen and justices of the peace now in commission, or who may in the interim be appointed, shall continue to discharge the duties of their respective offices until fifteen days after the day which shall be fixed by law for the issuing of new commissions, at the expiration of which time their commissions shall expire.

In testimony that the foregoing is the amended constitution of Pennsylvania, as agreed to in convention, we, the officers and members of the convention, have hereunto signed our names, at Philadelphia, the twenty-second day of February, Anno Domini one thousand eight hundred and thirty-eight, and of the Independence of the United States of America the sixty-second.

JOHN SERGEANT, President.

S. SHOCH, Secretary.

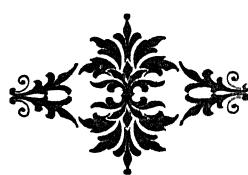
GEORGE L. FAUSS,

J. WILLIAMS,

Assistant secretaries.

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**CONSTITUTION OF 1838.**



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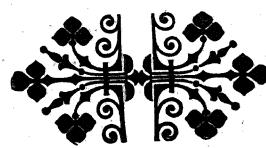
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**CONSTITUTION**  
OF THE  
**Commonwealth of Pennsylvania**

**1790,**



Serious defects in the Constitution of 1776 were soon recognized, and on September 15, 1789, an act was passed calling for a convention to revise the Constitution. A convention was called and met November 24, 1789, and continued in session until February 26, 1790, and then adjourned that the people might examine their work. The convention reassembled August 9, 1790, and on September 2, 1790, formally proclaimed the new Constitution.



## CONSTITUTION OF PENNSYLVANIA, 1790.

We, the people of the Commonwealth of Pennsylvania, ordain and establish this constitution for its government.

### ARTICLE I.

Sec. 1. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 2.

Constitution of 1838, Art. I, Sec. 1. (Verbatim.)

Constitution of 1873, Art. II, Sec. 1. (Verbatim.)

Sec. 2. The representatives shall be chosen, annually, by the citizens of the city of Philadelphia; and of each county respectively, on the second Tuesday of October.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1838, Art. I, Sec. 2. (Verbatim.)

Constitution of 1873, Art. II, Secs. 2, 3.

Sec. 3. No person shall be a representative, who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State three years next preceding his election, and the last year thereof an inhabitant of the city or county in which he shall be chosen; unless he shall have been absent on the public business of the United States, or of this State. No person, residing within any city, town, or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person residing without the limits of any such city, town, or borough, be elected a member therefor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Secs. 7, 8.

Constitution of 1838, Art. I, Sec. 3.

Constitution of 1873, Art. II, Sec. 5.

Sec. 4. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as

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shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have, at least, one representative; but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative, agreeably to the ratio which shall then be established.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 17.

Constitution of 1838, Art. I, Sec. 4.

Constitution of 1873, Art. II, Secs. 17, 18.

Sec. 5. The senators shall be chosen for four years by the citizens of Philadelphia, and of the several counties, at the same time, in the same manner, and at the same places where they shall vote for representatives.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 5.

Constitution of 1873, Art. II, Secs. 2, 3.

Sec. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts, formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 6. (Verbatim.)

Constitution of 1873, Art. II, Secs. 16, 18.

Sec. 7. The senators shall be chosen in districts, to be formed by the legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia nor any county shall be divided in forming a district.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 7.

Constitution of 1873, Art. II, Secs. 16, 18

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Sec. 8. No person shall be a senator, who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the State four years before his election, and the last year thereof an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 8.  
Constitution of 1873, Art. II, Sec. 5.

Sec. 9. Immediately after the senators shall be assembled, in consequence of the first election, subsequent to the first enumeration, they shall be divided, by lot, as equally as may be, into four classes. The seats of the senators of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, of the third class at the expiration of the third year, and of the fourth class at the expiration of the fourth year; so that one-fourth may be chosen every year.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 9.

Sec. 10. The general assembly shall meet on the first Tuesday of December in every year, unless sooner convened by the governor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 9.  
Constitution of 1838, Art. I, Sec. 10.  
Constitution of 1873, Art. II, Sec. 4.

Sec. 11. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker pro tempore, when the speaker shall exercise the office of governor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 9.  
Constitution of 1838, Art. I, Sec. 11. (Verbatim.)  
Constitution of 1873, Art. II, Sec. 9.

Sec. 12. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee, to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be

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authorized, by law, to compel the attendance of absent members, in such manner, and under such penalties, as may be provided.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Secs. 9, 10.

Constitution of 1838, Art. I, Sec. 12. (Verbatim.)

Constitution of 1873, Art. II, Secs. 9, 10.

Sec. 13. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free State.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1838, Art. I, Sec. 13. (Verbatim.)

Constitution of 1873, Art. II, Sec. 11.

Sec. 14. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy: And the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 14.

Constitution of 1838, Art. I, Sec. 15. (Verbatim.)

Constitution of 1873, Art. II, Sec. 12.

Sec. 15. The doors of each house, and of committees of the whole shall be open unless when the business shall be such as ought to be kept secret.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 13.

Constitution of 1838, Art. I, Sec. 16. (Verbatim.)

Constitution of 1873, Art. II, Sec. 13.

Sec. 16. Neither house shall, without the consent of the other adjourn for more than three days, nor to any other place than that which the two houses shall be sitting.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 17. (Verbatim.)

Constitution of 1873, Art. II, Sec. 14. (Verbatim.)

Sec. 17. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the commonwealth. They shall, in all cases, ex-

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treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance at the session of the respective houses, and in going to and returning from the same: And for any speech or debate in either house they shall not be questioned in any other place.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 17.

Constitution of 1838, Art. I, Sec. 13. (Verbatim.)

Constitution of 1873, Art. II, Secs. 8, 15.

Sec. 18. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such time; and no member of Congress, or other person holding any office (except of attorney at law and in the militia) under the United States, or this commonwealth, shall be a member of either house during his continuance in Congress, or in office.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 7.

Constitution of 1838, Art. I, Sec. 19. (Verbatim.)

Constitution of 1873, Art. II, Sec. 6.

Sec. 19. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 20. (Verbatim.)

Constitution of 1873, Art. II, Sec. 2.

Sec. 20. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 21. (Verbatim.)

Constitution of 1873, Art. III, Sec. 14. (Verbatim.)

Sec. 21. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 22. (Verbatim.)

Constitution of 1873, Art. III, Sec. 16.

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Sec. 22. Every bill, which shall have passed both houses, shall be presented to the governor. If he approve, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two-thirds of that house, it shall be a law. But in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law, in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 23. (Verbatim.)  
Constitution of 1873, Art. IV, Sec. 15.

Sec. 23. Every order, resolution, or vote to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. I, Sec. 24. (Verbatim.)  
Constitution of 1873, Art. III, Sec. 26. (Verbatim.)

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## ARTICLE II.

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Sec. 1. The supreme executive power of this commonwealth shall be vested in a governor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 3.  
Constitution of 1838, Art. II, Sec. I. (Verbatim.)  
Constitution of 1873, Art. IV, Sec. 2.

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Sec. 2. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them in the presence of the members of both houses of the legislature. The person having the highest number of votes shall be governor. But if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. II, Sec. 2 (Verbatim.)  
Constitution of 1873, Art. IV, Secs. 2, 17.

Sec. 3. The governor shall hold his office during three years from the third Tuesday of December next ensuing his election, and shall not be capable of holding it longer than nine in any term of twelve years.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. II, Sec. 3.  
Constitution of 1873, Art. IV, Sec. 3.

Sec. 4. He shall be, at least, thirty years of age, and have been a citizen and inhabitant of this State seven years next before his election; unless he shall have been absent on the public business of the United States, or of this State.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. II, Sec. 4. (Verbatim.)  
Constitution of 1873, Art. IV, Sec. 5

Sec. 5. No member of Congress, or person holding any office under the United States, or this State, shall exercise the office of governor.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. II, Sec. 5. (Verbatim.)  
Constitution of 1873, Art. IV, Sec. 6.

Sec. 6. The governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. II, Sec. 6. (Verbatim.)

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Sec. 7. He shall be commander-in-chief of the army and navy o  
this commonwealth, and of the militia; except when they shall b  
called into the actual service of the United States.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 20.

Constitution of 1838, Art. II, Sec. 7. (Verbatim.)

Constitution of 1873, Art. IV, Sec. 7.

Sec. 8. He shall appoint all officers, whose offices are establishe  
by this constitution, or shall be established by law, and whose a  
pointments are not herein otherwise provided for; but no person sha  
be appointed to an office within any county who shall not have bee  
a citizen and inhabitant therein one year next before his appointmen  
if the county shall have been so long erected; but if it shall not ha  
been so long erected, then within the limits of the county or countie  
out of which it shall have been taken. No member of Congress fro  
this State, nor any person holding or exercising any office of tru  
or profit under the United States, shall, at the same time, hold or e  
ercise the office of judge, secretary, treasurer, prothonotary, regist  
of wills, recorder of deeds, sheriff, or any office in this State to whi  
a salary is by law annexed, or any other office which future legis  
tures shall declare incompatible with offices or appointments und  
the United States.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. VI, Sec. 8.

Constitution of 1873, Art. XII, Sec. 2

Sec. 9. He shall have power to remit fines and forfeitures, a  
grant reprieves and pardons, except in cases of impeachment.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 20.

Constitution of 1838, Art. II, Sec. 9. (Verbatim.)

Constitution of 1873, Art. IV, Sec. 9

Sec. 10. He may require information, in writing, from the offic  
in the executive department, upon any subject relating to the dut  
of their respective offices.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. II, Sec. 10. (Verbatim.)

Constitution of 1873, Art. IV, Sec. 10.

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Sec. 11. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. II, Sec. 11. (Verbatim.)  
Constitution of 1873, Art. IV, Sec. 11.

Sec. 12. He may, on extraordinary occasions, convene the general assembly; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 20.  
Constitution of 1838, Art. II, Sec. 12. (Verbatim.)  
Constitution of 1873, Art. IV, Sec. 12.

Sec. 13. He shall take care that the laws be faithfully executed.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 20.  
Constitution of 1838, Art. I, Sec. 13. (Verbatim.)  
Constitution of 1873, Art. IV, Sec. 2.

Sec. 14. In case of the death or resignation of the governor, or of his removal from office, the speaker of the senate shall exercise the office of governor until another governor shall be duly qualified. And if the trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of a governor, the governor of the last year, or the speaker of the senate who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a governor shall be qualified as aforesaid.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. II, Sec. 14.  
Constitution of 1873, Art. IV, Sec. 15

Sec. 15. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the legislature, and shall perform such other duties as shall be enjoined him by law.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. II, Secs. 8, 15.  
Constitution of 1873, Art. IV, Secs. 8, 18.

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### ARTICLE III.

Sec. 1. In elections by the citizens, every freeman of the age of twenty-one years, having resided in the State two years next before the election, and within that time paid a State or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector: Provided, That the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Sec. 6.
- Constitution of 1838, Art. III, Sec. 1.
- Constitution of 1873, Art. VIII, Sec. 1.

Sec. 2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce*.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Sec. 32.
- Constitution of 1838, Art. III, Sec. 2. (Verbatim.)
- Constitution of 1873, Art. VIII, Secs. 4, 12.

Sec. 3. Electors shall, in all cases except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1838, Art. III, Sec. 3. (Verbatim.)
- Constitution of 1873, Art. VIII, Sec. 5.

### ARTICLE IV.

Sec. 1. The house of representatives shall have the sole power of impeaching.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Sec. 22.
- Constitution of 1838, Art. IV, Sec. 1. (Verbatim.)
- Constitution of 1873, Art. VI, Sec. 1.

Sec. 2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation,

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No person shall be convicted without the concurrence of two-thirds of the members present.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 22.

Constitution of 1838, Art. IV, Sec. 2. (Verbatim.)

Constitution of 1873, Art. VI, Sec. 2. (Verbatim.)

Sec. 3. The governor, and all other civil officers under this commonwealth, shall be liable to impeachment for any misdemeanor in office. But judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this commonwealth. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 22.

Constitution of 1838, Art. IV, Sec. 3. (Verbatim.)

Constitution of 1873, Art. VI, Sec. 3.

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ARTICLE V.

Sec. 1. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 26.

Constitution of 1838, Art. V, Sec. 1. (Verbatim.)

Constitution of 1873, Art. V, Sec. 1.

Sec. 2. The judges of the supreme court, and of the several courts of common pleas, shall hold their offices during good behavior. But for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them, on the address of two-thirds of each branch of the legislature. The judges of the supreme court and the presidents of the several courts of common pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during

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their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 23.

Constitution of 1838, Art. V, Sec. 2.

Constitution of 1873, Art. V, Secs. 2, 15, 18.

Sec. 3. The jurisdiction of the supreme court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. V, Sec. 4. (Verbatim.)

Constitution of 1873, Art. V, Sec. 3.

Sec. 4. Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner: The governor shall appoint, in each county, not fewer than three nor more than four judges, who, during their continuance in office, shall reside in such county. The State shall be divided by law into circuits, none of which shall include more than six nor fewer than three counties. A president shall be appointed of the courts in each circuit, who, during his continuance in office, shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 20.

Constitution of 1838, Art. V, Secs. 2, 3.

Constitution of 1873, Art. V, Secs. 4, 15, 19.

Sec. 5. The judges of the court of common pleas in each county shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, for the trial of capital and other offenders therein; any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer or jail delivery in any county when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may, under such regulations as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. V, Sec. 5. (Verbatim.)

Constitution of 1873, Art. V, Secs. 9, 24.

**Sec. 6.** The supreme court and the several courts of common pleas shall, beside the powers heretofore usually exercised by them, have the power of a court of chancery, so far as relates to the perpetuating of testimony, the obtaining of evidence from places not within the State, and the care of the persons and estates of those who are non compotes mentis. And the legislature shall vest in the said courts such other powers to grant relief in equity as shall be found necessary; and may, from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper for the due administration of justice.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 24.

Constitution of 1838, Art. V, Sec. 6. (Verbatim.)

Constitution of 1873, Art. V, Sec. 20.

**Sec. 7.** The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace and orphans' court thereof; and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. V, Sec. 7. (Verbatim.)

Constitution of 1873, Art. V, Sec. 9, 22.

**Sec. 8.** The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. V, Sec. 8. (Verbatim.)

Constitution of 1873, Art. V, Sec. 10.

**Sec. 9.** The president of the courts in each circuit within such circuit, and the judges of the court of common pleas within their respective counties, shall be justices of the peace, so far as relates to criminal matters.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. V, Sec. 9. (Verbatim.)

Constitution of 1873, Art. V, Sec. 9.

**Sec. 10.** The governor shall appoint a competent number of justices of the peace, in such convenient districts, in each county, as are or shall be directed by law; they shall be commissioned during good

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behavior, but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of both houses of the legislature.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 30.

Constitution of 1838, Art. VI, Sec. 7.

Constitution of 1873, Art. V, Sec. 11.

Sec. 11. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. V, Sec. 10. (Verbatim.)

Constitution of 1873, Art. XIV, Sec. 4.

Sec. 12. The style of all process shall be, "The commonwealth of Pennsylvania;" all prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and concluded "against the peace and dignity of the same."

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 27.

Constitution of 1838, Art. V, Sec. 11. (Verbatim.)

Constitution of 1873, Art. V, Sec. 23. (Verbatim.)

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ARTICLE VI.

Sec. 1. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county; persons shall be chosen for each office, one of whom, for each respectively, shall be appointed by the governor. They shall hold their offices for three years, if they shall so long behave themselves well until a successor be duly qualified; but no person shall be twice elected sheriff in any term of six years. Vacancies in either of the said offices shall be filled by a new appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 31.

Constitution of 1838, Art. VI, Sec. 1.

Constitution of 1873, Art. XIV, Sec. 2.

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Sec. 2. The freemen of this commonwealth shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service. The militia offices shall be appointed in such manner and for such time as shall be directed by law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 5.

Constitution of 1838, Art. VI, Sec. 2.

Constitution of 1873, Art. XI, Sec. 1.

Sec. 3. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, register of wills, and sheriffs shall keep their offices in the county-town of the county in which they respectively shall be officers, unless when the governor shall, for special reasons, dispense therewith for any term, not exceeding five years, after the county shall have been erected.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 34.

Constitution of 1838, Art. VI, Sec. 4. (Verbatim.)

Constitution of 1873, Art. XIV, Sec. 4.

Sec. 4. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the State seal, and signed by the governor.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 21.

Constitution of 1838, Art. VI, Sec. 5. (Verbatim.)

Constitution of 1873, Art. IV, Sec. 22.

Sec. 5. The State treasurer shall be appointed, annually, by the joint vote of the members of both houses. All other officers in the treasury department, attorneys at law, election officers, officers relating to taxes, to the poor and highways, constables, and other township officers, shall be appointed in such manner as is or shall be directed by law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 9.

Constitution of 1838, Art. VI, Sec. 6.

Constitution of 1873, Art. IV, Sec. 21.

## ARTICLE VII.

Sec. 1. The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the State, in such manner that the poor may be taught gratis.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 44.

Constitution of 1838, Art. VII, Sec. 1. (Verbatim.)

Constitution of 1873, Art. X, Sec. 1.

Sec. 2. The arts and sciences shall be promoted in one or more seminaries of learning.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. VII, Sec. 2. (Verbatim.)

Sec. 3. The rights, privileges, immunities, and estates of religious societies and corporate bodies shall remain as if the constitution of this State had not been altered or amended.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. VII, Sec. 3. (Verbatim.)

## ARTICLE VIII.

Members of the general assembly, and all officers, executive and judicial, shall be bound, by oath or affirmation, to support the constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Secs. 10, 40.

Constitution of 1838, Art. VIII. (Verbatim.)

Constitution of 1873, Art. VII. Sec 1.

ARTICLE IX.

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare—

Sec. 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. 1.

Constitution of 1838, Art. IX, Sec. 1. (Verbatim.)

Constitution of 1873, Art. I, Sec. 1. (Verbatim.)

Sec. 2. That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of those ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. V.

Constitution of 1838, Art. IX, Sec. 2. (Verbatim.)

Constitution of 1873, Art. I, Sec. 2.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. II.

Constitution of 1838, Art. IX, Sec. 3. (Verbatim.)

Constitution of 1873, Art. I, Sec. 3. (Verbatim.)

Sec. 4. That no person, who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of

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his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. II.
- Constitution of 1838, Art. IX, Sec. 4. (Verbatim.)
- Constitution of 1873, Art. I, Sec. 4. (Verbatim.)

**Sec. 5. That elections shall be free and equal.**

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. VII.
- Constitution of 1838, Art. IX, Sec. 5. (Verbatim.)
- Constitution of 1873, Art. I, Sec. 5.

**Sec. 6. That trial by jury shall be as heretofore, and the right thereof remain inviolate.**

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. XI.  
Sec. 25
- Constitution of 1838, Art. IX, Sec. 6. (Verbatim.)
- Constitution of 1873, Art. I, Sec. 6. (Verbatim.)

**Sec. 7. That the printing-presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.**

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. XII.  
Sec. 35
- Constitution of 1838, Art. IX, Sec. 7. (Verbatim.)
- Constitution of 1873, Art. I, Sec. 7.

**Sec. 8. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures and that no warrant to search any place, or to seize any person or things shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.**

Corresponding provisions of prior and subsequent Constitutions:

- Constitution of 1776, Dec. of Rights, Cl. X.
- Constitution of 1838, Art. IX, Sec. 8. (Verbatim.)
- Constitution of 1873, Art. I, Sec. 8.

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Sec. 9. That in all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers or the law of the land.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. IX.

Constitution of 1838, Art. IX, Sec. 9. (Verbatim.)

Constitution of 1873, Art. I, Sec. 9. (Verbatim.)

Sec. 10. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or, by leave of the court, for oppression and misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being made.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. VIII.

Constitution of 1838, Art. IX, Sec. 10 (Verbatim.)

Constitution of 1873, Art. I, Sec. 10.

Sec. 11. That all courts shall be open, and every man, for an injury done him in his lands, goods, persons, or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases as the legislature may by law direct.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. IX, Sec. 11 (Verbatim.)

Constitution of 1873, Art. I, Sec. 11. (Verbatim.)

Sec. 12. That no power of suspending laws shall be exercised, unless by the legislature or its authority.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. IX, Sec. 12. (Verbatim.)

Constitution of 1873, Art. I, Sec. 12.

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Sec. 13. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 29.

Constitution of 1838, Art. IX, Sec. 13. (Verbatim.)

Constitution of 1873, Art. I, Sec. 13. (Verbatim.)

Sec. 14. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 28.

Constitution of 1838, Art. IX, Sec. 14 (Verbatim.)

Constitution of 1873, Art. I, Sec. 14 (Verbatim.)

Sec. 15. That no commission of oyer and terminer or jail-delivery shall be issued.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. IX, Sec. 15. (Verbatim.)

Constitution of 1873, Art. I, Sec. 15. (Verbatim.)

Sec. 16. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Sec. 28.

Constitution of 1838, Art. IX, Sec. 16. (Verbatim.)

Constitution of 1873, Art. I, Sec. 16. (Verbatim.)

Sec. 17. That no ex-post facto law, nor any law impairing contracts, shall be made.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. IX, Sec. 17. (Verbatim.)

Constitution of 1873, Art. I, Sec. 17.

Sec. 18. That no person shall be attained of treason or felony by the legislature.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. IX, Sec. 18. (Verbatim.)

Constitution of 1873, Art. I, Sec. 18 (Verbatim.)

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Sec. 19. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth; that the estates of such persons as shall destroy their own lives shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. IX, Sec. 19. (Verbatim.)  
Constitution of 1873, Art. I, Sec. 19. (Verbatim.)

Sec. 20. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XVI.  
Constitution of 1838, Art. IX, Sec. 20. (Verbatim.)  
Constitution of 1873, Art. I, Sec. 20. (Verbatim.)

Sec. 21. That the right of citizens to bear arms, in defence of themselves and the State, shall not be questioned.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XIII.  
Constitution of 1838, Art. IX, Sec. 21. (Verbatim.)  
Constitution of 1873, Art. I, Sec. 21. (Verbatim.)

Sec. 22. That no standing army shall, in time of peace, be kept up without the consent of the legislature; and the military shall in all cases and at all times be in strict subordination to the civil power.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XIII.  
Constitution of 1838, Art. IX, Sec. 22. (Verbatim.)  
Constitution of 1873, Art. I, Sec. 22. (Verbatim.)

Sec. 23. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. IX, Sec. 23. (Verbatim.)  
Constitution of 1873, Art. I, Sec. 23. (Verbatim.)

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Sec. 24. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer term than during good behavior.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. IX, Sec. 24 (Verbatim.)  
Constitution of 1873, Art. I, Sec. 24.

Sec. 25. That emigration from the State shall not be prohibited.

Corresponding provisions of prior and subsequent Constitutions:

Constitution of 1776, Dec. of Rights, Cl. XV.  
Constitution of 1838, Art. IX, Sec. 25. (Verbatim.)  
Constitution of 1873, Art. I, Sec. 25. (Verbatim.)

Sec. 26. To guard against transgressions of the high powers which we have delegated, we declare, that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate.

Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. IX, Sec. 26 (Verbatim.)  
Constitution of 1873, Art. I, Sec. 26 (Verbatim.)

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SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

Sec. 1. That all laws of this commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

Sec. 2. That the president and supreme executive council shall continue to exercise the executive authority of this commonwealth, as heretofore, until the third Tuesday of December next; but no intermediate vacancies in the council shall be supplied by new elections.

Sec. 3. That all officers in the appointment of the executive department shall continue in the exercise of the duties of their respective offices until the first day of September, one thousand seven hundred and ninety-one, unless their commissions shall sooner expire by their

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own limitations, or the said offices become vacant by death or resignation, and no longer, unless reappointed and commissioned by the governor; except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

Sec. 4. That justice shall be administered in the several counties of the State, until the period aforesaid, by the same justices, in the same courts, and in the same manner as heretofore.

Sec. 5. That no person now in commission as sheriff shall be eligible at the next election for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

Sec. 6. That, until the first enumeration shall be made, as directed in the fourth section of the first article of the constitution established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives as is now prescribed by law.

Sec. 7. That the first senate shall consist of eighteen members, to be chosen in districts formed as follows, to-wit: The city of Philadelphia and the counties of Philadelphia and Delaware shall be a district, and elect three senators; the county of Chester shall be a district, and shall elect one senator; the county of Bucks shall be a district, and shall elect one senator; the county of Montgomery shall be a district, and shall elect one senator; the county of Northampton shall be a district, and shall elect one senator; the counties of Lancaster and York shall be a district, and shall elect three senators; the counties of Berks and Dauphin shall be a district, and shall elect two senators; the counties of Cumberland and Mifflin shall be a district, and shall elect one senator; the counties of Northumberland, Luzerne, and Huntingdon shall be a district, and shall elect one senator; the counties of Bedford and Franklin shall be a district, and shall elect one senator; the counties of Westmoreland and Allegheny shall be a district, and shall elect one senator; and the counties of Washington and Fayette shall be district, and shall elect two senators, which senators shall serve until the first enumeration before mentioned shall be made, and the representation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies which shall happen in the senate, within the said time, shall be supplied as prescribed in the nineteenth section of the first article.

Sec. 8. That the elections of senators shall be conducted, and the returns thereof made to the senate, in the same manner as is prescribed by the election-laws of the State for conducting and making return of the election of representatives. In those districts which consist of more than one county, the judges of the district elections

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within each county, after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place hereinafter mentioned within the district, of which such county is a part, where the judges so met shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district; that is to say, the judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet in the State-house in the city of Philadelphia; the judges of the district composed of the counties of Lancaster and York shall meet at the court-house in the county of Lancaster; and the judges of the district composed of the counties of Berks and Dauphin shall meet at Middletown, in the county of Berks; the judges of the district composed of the counties of Cumberland and Mifflin shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Luzerne, and Huntingdon shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin shall meet at the house now occupied by John Dickey, in Air township, Bedford County; the judges of the district composed of the counties of Westmoreland and Allegheny shall meet in Westmoreland County, at the court house in the town of Greensborough; and the judges of the district composed of the counties of Washington and Fayette shall meet at the court-house in the town of Washington, in Washington County, on the third Tuesday in October, respectively, for the purposes aforesaid.

Sec. 9. That the election of the governor shall be conducted in the several counties in the manner prescribed by the laws of the State for the election of representatives; and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the Independence of the United States of America the fifteenth. In testimony whereof we have hereunto subscribed our names.

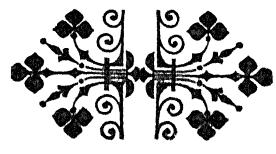
**THOMAS MIFFLIN, President.**

**JOSEPH REDMAN, Secretary.**

**J. SHALLUS, Assistant Secretary.**

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# **CONSTITUTION**

OF THE

**Commonwealth of Pennsylvania**

**1776.**



## CONSTITUTION OF PENNSYLVANIA—1776.

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On May 15, 1776, the Continental Congress adopted a resolution recommending to the several colonies the adoption of such a government as would best conduce to the happiness and safety of their constituents and America in General. In consequence a number of Gentlemen met in Philadelphia, June 18, 1776, and issued an address to the People of Pennsylvania, proposing the election of deputies, and the holding of a convention for the purpose of framing a government. The convention met on July 15, 1776, in the State House at Philadelphia, and Benjamin Franklin was unanimously chosen president, George Ross vice-president and John Morris secretary. The convention completed its labors on September 28, 1776. This constitution was never submitted to the people for ratification.



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## CONSTITUTION OF PENNSYLVANIA, 1776.

WHEREAS all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever these great ends of government are not obtained, the people have a right, by common consent to change it, and take such measures as to them may appear necessary to promote their safety and happiness. AND WHEREAS the inhabitants of this commonwealth have in consideration of protection only, heretofore acknowledged allegiance to the king of Great Britain; and the said king has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them, employing therein, not only the troops of Great Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress) whereby all allegiance and fealty to the said king and his successors, are dissolved and at an end, and all power and authority derived from him ceased in these colonies. AND WHEREAS it is absolutely necessary for the welfare and safety of the inhabitants of said colonies, that they be henceforth free and independent States, and that just, permanent, and proper forms of government exist in every part of them, derived from and founded on the authority of the people only, agreeable to the directions of the honourable American Congress.

We, the representatives of the freemen of Pennsylvania, in general convention met, for the express purpose of framing such a government, confessing the goodness of the great Governor of the universe (who alone knows to what degree of earthly happiness mankind may attain, by perfecting the arts of government) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best, for governing their future society; and being fully convinced, that it is our indispensable duty to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against any particular class, sect, or denomination of men whatever, do, by virtue of the authority vested

1776.

in use by our constituents, ordain, declare, and establish, the following Declaration of Rights and Frame of Government, to be the Constitution of this commonwealth, and to remain in force therein forever, unaltered, except in such articles as shall hereafter on experience be found to require improvement, and which shall by the same authority of the people, fairly delegated as this frame of government directs, be amended or improved for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

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A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF  
THE COMMONWEALTH, OR STATE OF PENNSYLVANIA.

First. That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. IX, Sec. 1.
- Constitution of 1838, Art. IX, Sec. 1.
- Constitution of 1873, Art. I, Sec. 1.

Second. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent: Nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or in any manner control, the right of conscience in the free exercise of religious worship.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. IX, Secs. 3, 4.
- Constitution of 1838, Art. IX, Secs. 3, 4.
- Constitution of 1873, Art. I, Secs. 3, 4.

Third. That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

Fourth. That all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

Fifth. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community: And that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish government in such manner as shall be by that community judged most conducive to the public weal.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 2.

Constitution of 1838, Art. IX, Sec. 2

Constitution of 1873, Art. I, Sec. 2.

Sixth. That those who are employed in the legislative and executive business of the State, may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

Seventh. That all elections ought to be free; and that all free men having a sufficient evident common interest with, and attachment to the community, have a right to elect officers, or to be elected into office.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 5.

Constitution of 1838, Art. IX, Sec. 5.

Constitution of 1873, Art. I, Sec. 5.

Eighth. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his personal service when necessary, or an equivalent thereto: But no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives: Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay

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such equivalent, nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 10.

Constitution of 1838, Art. IX, Sec. 10.

Constitution of 1873, Art. I, Sec. 10.

Ninth. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his council, to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for evidence in his favor, and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty except by the laws of the land, or the judgment of his peers.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 9

Constitution of 1838, Art. IX, Sec. 9.

Constitution of 1873, Art. I, Sec. 9.

Tenth. That the people have a right to hold themselves, their houses, papers, and possessions free from search and seizure, and therefore warrants without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are contrary to that right, and ought not to be granted.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 8.

Constitution of 1838, Art. IX, Sec. 8.

Constitution of 1873, Art. I, Sec. 8.

Eleventh. That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 6.

Constitution of 1838, Art. IX, Sec. 6

Constitution of 1873, Art. I, Sec. 6.

Twelfth. That the people have a right to freedom of speech, and of writing, and publishing their sentiments; therefore the freedom of the press ought not to be restrained.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 7.

Constitution of 1838, Art. IX, Sec. 7.

Constitution of 1873, Art. I, Sec. 7.

Thirteenth. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the military should be kept under strict subordination to, and governed by, the civil power.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. IX, Secs. 21, 22.
- Constitution of 1838, Art. IX, Secs. 21, 22.
- Constitution of 1873, Art. I, Secs. 21, 22.

Fourteenth. That a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the blessings of liberty, and keep a government free: The people ought therefore to pay particular attention to these points in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislatures and magistrates, in the making and executing such laws as are necessary for the good government of the state.

Fifteenth. That all men have a natural inherent right to emigrate from one state to another that will receive them, or to form a new state in vacant countries, or in such countries as they can purchase, whenever they think that thereby they may promote their own happiness.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. IX, Sec. 25.
- Constitution of 1838, Art. IX, Sec. 25.
- Constitution of 1873, Art. I, Sec. 25.

Sixteenth. That the people have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition, or remonstrance.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. IX, Sec. 20.
- Constitution of 1838, Art. IX, Sec. 20.
- Constitution of 1873, Art. I, Sec. 20.

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PLAN OR FRAME OF GOVERNMENT FOR THE COMMON-  
WEALTH OR STATE OF PENNSYLVANIA.

Section the First. The commonwealth or state of Pennsylvania shall be governed hereafter by an assembly of the representatives of the freemen of the same, and a president and council, in manner and form following—

Section the Second. The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth or state of Pennsylvania.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 1.

Constitution of 1838, Art. I, Sec. 1.

Constitution of 1873, Art. II, Sec. 1.

Section the Third. The supreme executive power shall be vested in a president and council.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. II, Sec. 1.

Constitution of 1838, Art. II, Sec. 1.

Constitution of 1873, Art. IV, Sec. 2.

Section the Fourth. Courts of justice shall be established in the city of Philadelphia, and in every county of this state.

Section the Fifth. The freemen of this commonwealth and their sons shall be trained and armed for its defence under such regulations, restrictions, and exceptions as the general assembly shall by law direct, preserving always to the people the right of choosing their colonels and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. VI, Sec. 2

Constitution of 1838, Art. VI, Sec. 2

Constitution of 1873, Art. XI, Sec. 1

Section the Sixth. Every freemen of the full age of twenty-one years, having resided in this state for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector: Provided, always, that sons of freeholders of the age of twenty-one years shall be intitled to vote although they have not paid taxes.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. III, Sec. 1.

Constitution of 1838, Art. III, Sec. 1.

Constitution of 1873, Art. VIII, Sec. 1.

Section the Seventh. The house of representatives of the freemen of this commonwealth shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every city and county of this commonwealth respectively. And no person shall be elected unless he has resided in the city or county for which he shall be chosen two years immediately before the said election; nor shall any member, while he continues such, hold any other office, except in the militia.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. I, Secs. 3, 18.  
 Constitution of 1838, Art. I, Secs. 3, 19.  
                             Art. VI, Sec. 8.  
 Constitution of 1873, Art. II, Secs. 5, 6.

Section the Eighth. No person shall be capable of being elected a member to serve in the house of representatives of the freemen of this commonwealth more than four years in seven.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. I, Sec. 3.  
 Constitution of 1838, Art. I, Sec. 3.  
 Constitution of 1873, Art. II, Sec. 5.

Section the Ninth. The members of the house of representatives shall be chosen annually by ballot, by the freemen of the commonwealth, on the second Tuesday in October forever, (except this present year,) and shall meet on the fourth Monday of the same month, and shall be stiled, The general assembly of the representatives of the freemen of Pennsylvania, and shall have power to choose their speaker, the treasurer of the state, and their other officers; sit on their own adjournments; prepare bills and enact them into laws; judge of the elections and qualifications of their own members; they may expel a member, but not a second time for the same cause; they may administer oaths or affirmations on examination of witnesses; redress grievances; impeach state criminals; grant charters of incorporation; constitute towns, boroughs, cities and counties; and shall have all other powers necessary for the legislature of a free state or commonwealth: But they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. I, Secs. 2, 10, 11, 12, 13.  
                             Art. VI, Sec. 5  
 Constitution of 1838, Art. I, Secs. 2, 10, 11, 12, 13.  
                             Art. VI, Sec. 6.  
 Constitution of 1873, Art. II, Secs. 2, 3, 4, 9, 11.  
                             Art. IV, Sec. 21.

Section the Tenth. A quorum of the house of representatives shall consist of two-thirds of the whole number of members elected; and having met and chosen their speaker, shall each of them before they proceed to business take and subscribe, as well the oath or affirmation of fidelity and allegiance hereinafter directed, as the following oath or affirmation, viz:

I \_\_\_\_\_ do swear (or affirm) that as a member of this assembly, I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the constitution of this state; but will in all things conduct myself as a faithful honest representative and guardian of the people, according to the best of my judgment and abilities.

And each member, before he takes his seat, shall make and subscribe the following declaration, viz:

I do believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this State.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art.	I, Sec. 12.
	Art. VIII.
Constitution of 1838, Art.	I, Sec. 12.
	Art. VIII.
Constitution of 1873, Art.	II, Sec. 10.
	Art. VII, Sec. 1.

Section the Eleventh. Delegates to represent this state in congress shall be chosen by ballot by the future general assembly at their first meeting, and annually forever afterwards, as long as such representation shall be necessary. Any delegate may be superseded at any time, by the general assembly appointing another in his stead. No man shall sit in congress longer than two years successively, nor be capable of reelection for three years afterwards: and no person who holds any office in the gift of the congress shall hereafter be elected to represent this commonwealth in congress.

Section the Twelfth. If any city or cities, county or counties shall neglect or refuse to elect and send representatives to the general assembly, two-thirds of the members from the cities or counties that do elect and send representatives, provided they be a majority of the cities and counties of the whole state, when met, shall have all the powers of the general assembly, as fully and amply as if the whole were present.

Section the Thirteenth. The doors of the house in which the representatives of the freemen of this state shall sit in general assembly, shall be and remain open for the admission of all persons who behave decently, except only when the welfare of this state may require the doors to be shut.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. I, Sec. 15.
- Constitution of 1838, Art. I, Sec. 16.
- Constitution of 1873, Art. II, Sec. 13.

Section the Fourteenth. The votes and proceedings of the general assembly shall be printed weekly during their sitting, with the yeas and nays, on any question, vote or resolution, where any two members require it, except when the vote is taken by ballot; and when the yeas and nays are so taken every member shall have a right to insert the reasons of his vote upon the minutes, if he desires it.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. I, Sec. 14.
- Constitution of 1838, Art. I, Sec. 15.
- Constitution of 1873, Art. II, Sec. 12.

Section the Fifteenth. To the end that laws before they are enacted may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills of public nature shall be printed for the consideration of the people, before they are read in general assembly the last time for debate and amendment; and, except on occasions of sudden necessity, shall not be passed into laws until the next session of assembly; and for the more perfect satisfaction of the public, the reasons and motives for making such laws shall be fully and clearly expressed in the preambles.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1873, Art. III, Sec. 4

Section the Sixteenth. The stile of the laws of this commonwealth shall be, "Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same." And the general assembly shall affix their seal to every bill, as soon as it is enacted into a law, which seal shall be kept by the assembly, and shall be called, The seal of the laws of Pennsylvania, and shall not be used for any other purpose.

Section the Seventeenth. The city of Philadelphia and each county of this commonwealth respectively, shall on the first Tuesday of No-

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ember in this present year, and on the second Tuesday of October annually for the two next succeeding years, viz. the year one thousand seven hundred and seventy-seven, and the year one thousand seven hundred and seventy-eight, choose six persons to represent them in general assembly. But as representation in proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land; therefore the general assembly shall cause complete lists of the taxable inhabitants in the city and each county in the commonwealth respectively, to be taken and returned to them, on or before the last meeting of the assembly elected in the year one thousand seven hundred and seventy-eight, who shall appoint a representative to each, in proportion to the number of taxables in such returns; which representation shall continue for the next seven years afterwards at the end of which, a new return of the taxable inhabitants shall be made, and a representation agreeable thereto appointed by the said assembly, and so on septennially forever. The wages of the representatives in general assembly, and all other state charges shall be paid out of the state treasury.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. I, Secs. 4, 17.

Constitution of 1838, Art. I, Secs. 4, 18.

Constitution of 1873, Art. II, Secs. 17, 18.

Section the Eighteenth. In order that the freemen of this commonwealth may enjoy the benefit of election as equally as may be until the representation shall commence, as directed in the foregoing section, each county at its own choice may be divided into districts, hold elections therein, and elect their representatives in the county, and their other elective officers, as shall be hereafter regulated by the general assembly of this state. And no inhabitant of this state shall have more than one annual vote at the general election for representatives in assembly.

Section the Nineteenth. For the present the supreme executive council of this state shall consist of twelve persons chosen in the following manner: The freemen of the city of Philadelphia, and of the counties of Philadelphia, Chester, and Bucks, respectively, shall choose by ballot one person for the city, and one for each county aforesaid, to serve for three years and no longer, at the time and place for electing representatives in general assembly. The freemen of the counties of Lancaster, York, Cumberland, and Berks, shall, in like manner elect one person for each county respectively, to serve as counsellors for two years and no longer. And the counties of Northampton, Bedford, Northumberland and Westmoreland, respectively,

shall, in like manner, elect one person for each county, to serve as counsellors for one year, and no longer. And at the expiration of the time for which each counsellor was chosen to serve, the freemen of the city of Philadelphia, and of the several counties in this state, respectively, shall elect one person to serve as counsellor for three years and no longer; and so every third year forever. [By this mode of election and continual rotation, more men will be trained to public business, there will in every subsequent year be found in the council a number of persons acquainted with the proceedings of the foregoing years, whereby the business will be more consistently conducted, and moreover the danger of establishing an inconvenient aristocracy will be effectually prevented.] All vacancies in the council that may happen by death, resignation, or otherwise, shall be filled at the next general election for representatives in general assembly, unless a particular election for that purpose shall be sooner appointed by the president and council. No member of the general assembly or delegate in congress, shall be chosen a member of the council. The president and vice-president shall be chosen annually by the joint ballot of the general assembly and council, of the members of the council. Any person having served as a counsellor for three successive years, shall be incapable of holding that office for four years afterwards. Every member of the council shall be a justice of the peace for the whole commonwealth, by virtue of his office.

In case new additional counties shall hereafter be erected in this state, such county or counties shall elect a counsellor, and such county or counties shall be annexed to the next neighboring counties, and shall take rotation with such counties.

The council shall meet annually, at the same time and place with the general assembly.

The treasurer of the state, trustees of the loan office, naval officers, collectors of customs or excise, judge of the admiralty, attorneys general, sheriffs, and prothonotaries, shall not be capable of a seat in the general assembly, executive council, or continental congress.

Section the Twentieth. The president, and in his absence the vice-president, with the council, five of whom shall be a quorum, shall have power to appoint and commissionate judges, naval officers, judge of the admiralty, attorney general and all other officers, civil and military, except such as are chosen by the general assembly or the people, agreeable to this frame of government, and the laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by death, resignation, removal or disqualification, until the office can be filled in the time and manner directed by law or this constitution. They are to correspond with other states, and transact business with the officers of government, civil and military; and to

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prepare such business as may appear to them necessary to lay before the general assembly. They shall sit as judges, to hear and determine on impeachments, taking to their assistance for advice only, the justices of the supreme court. And shall have power to grant pardons, and remit fines, in all cases whatsoever, except in cases of impeachment; and in cases of treason and murder, shall have power to grant reprieves, but not to pardon, until the end of the next sessions of assembly; but there shall be no remission or mitigation of punishments on impeachments, except by act of the legislature; they are also to take care that the laws be faithfully executed; they are to expedite the execution of such measures as may be resolved upon by the general assembly; and they may draw upon the treasury for such sums as shall be appropriated by the house: They may also lay embargoes, or prohibit the exportation of any commodity, for any time, not exceeding thirty days, in the recess of the house only: They may grant such licenses, as shall be directed by law, and shall have power to call together the general assembly when necessary, before the day to which they shall stand adjourned. The president shall be commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. The president and council shall have a secretary, and keep fair books of their proceedings, wherein any counsellor may enter his dissent, with his reasons in support of it.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. II, Secs. 7, 9, 12, 13.

Art. V, Sec. 4.

Constitution of 1838, Art. II, Secs. 7, 9, 12, 13.

Art. V, Sec. 2.

Constitution of 1873, Art. IV, Secs. 2, 7, 9, 12.

Art. V, Sec. 16.

Section the Twenty-first. All commissions shall be in the name, and by the authority of the freemen of the commonwealth of Pennsylvania, sealed with the state seal, signed by the president or vice-president, and attested by the secretary; which seal shall be kept by the council.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. VI, Sec. 4.

Constitution of 1838, Art. VI, Sec. 5.

Constitution of 1873, Art. IV, Sec. 22.

Section the Twenty-second. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation or removal for mal-

administration: All impeachments shall be before the president or vice-president and council, who shall hear and determine the same.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. IV, Secs. 1, 2, 3.
- Constitution of 1838, Art. IV, Secs. 1, 2, 3.
- Constitution of 1873, Art. VI, Secs. 1, 2, 3.

Section the Twenty-third. The judges of the supreme court of judicature shall have fixed salaries, be commissioned for seven years only, though capable of re-appointment at the end of that term, but removable for misbehavior at any time by the general assembly; they shall not be allowed to sit as members in the continental congress, executive council, or general assembly, nor to hold any other office civil or military, nor to take or receive fees or perquisites of any kind.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. V, Sec. 2.
- Constitution of 1838, Art. V, Sec. 2.
- Constitution of 1873, Art. V, Secs. 2, 18.

Section the Twenty-fourth. The supreme court, and the several courts of common pleas of this commonwealth, shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to the perpetuating testimony, obtaining evidence from places not within this state, and the care of the persons and estates of those who are non compotes mentis, and such other powers as may be found necessary by future general assemblies, not inconsistent with this constitution.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. V, Sec. 6.
- Constitution of 1838, Art. V, Sec. 6.
- Constitution of 1873, Art. V, Sec. 20.

Section the Twenty-fifth. Trials shall be by jury as heretofore; And it is recommended to the legislature of this state, to provide by law against every corruption or partiality in the choice, return, or appointment of juries.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. IX, Sec. 6.
- Constitution of 1838, Art. IX, Sec. 6.
- Constitution of 1873, Art. I, Sec. 6.

Section the Twenty-sixth. Courts of sessions, common pleas, and orphans courts shall be held quarterly in each city and county; and the legislature shall have power to establish all such other courts as

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they may judge for the good of the inhabitants or the state. All courts shall be open, and justice shall be impartially administered without corruption or unnecessary delay: All their officers shall be paid an adequate but moderate compensation for their services: And if any officer shall take greater or other fees than the law allows him, either directly or indirectly, it shall ever after disqualify him from holding any office in this state.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. V, Sec. 1.
- Constitution of 1838, Art. V, Sec. 1.
- Constitution of 1873, Art. V, Sec. 1.

Section the Twenty-seventh. All prosecutions shall commence in the name and by the authority of the freemen of the commonwealth of Pennsylvania; and all indictments shall conclude with these words, "*Against the peace and dignity of the same.*" The style of all process hereafter in this state shall be, *The commonwealth of Pennsylvania.*

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. V, Sec. 12.
- Constitution of 1838, Art. V, Sec. 11.
- Constitution of 1873, Art. V, Sec. 23.

Section the Twenty-eighth. The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, bona fide, all his estate real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. IX, Secs. 14, 16
- Constitution of 1838, Art. IX, Secs. 14, 16
- Constitution of 1873, Art. I, Secs. 14, 16

Section the Twenty-ninth. Excessive bail shall not be exacted for bailable offences: And all fines shall be moderate.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. IX, Sec. 13.
- Constitution of 1838, Art. IX, Sec. 13.
- Constitution of 1873, Art. I, Sec. 13.

Section the Thirtieth. Justices of the peace shall be elected by the freeholders of each city and county respectively, that is to say, two or more persons may be chosen for each ward, township, or district, as the law shall hereafter direct: And their names shall be

returned to the president in council, who shall commissionate one or more of them for each ward, township, or district so returning, for seven years, removable for misconduct by the general assembly. But if any city or county, ward, township, or district in this commonwealth, shall hereafter incline to change the manner of appointing their justices of the peace as settled in this article, the general assembly may make laws to regulate the same, agreeable to the desire of a majority of the freeholders of the city or county, ward, township, or district so applying. No justice of the peace shall sit in the general assembly unless he first resigns his commission; nor shall he be allowed to take any fees, nor any salary or allowance, except such as the future legislature may grant.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. V, Sec. 10.
- Constitution of 1838, Art. VI, Sec. 7.
- Constitution of 1873, Art. V, Sec. 11.

Section the Thirty-first. Sheriffs and coroners shall be elected annually in each city and county, by the freemen; that is to say, two persons for each office, one of whom for each, is to be commissioned by the president in council. No person shall continue in the office of sheriff more than three successive years, or be capable of being again elected during four years afterwards. The election shall be held at the same time and place appointed for the election of representatives: And the commissioners and assessors, and other officers chosen by the people, shall also be then and there elected, as has been usual heretofore, until altered or otherwise regulated by the future legislature of this state.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. VI, Sec. 1.
- Constitution of 1838, Art. VI, Sec. 1.
- Constitution of 1873, Art. XIV, Sec. 2.

Section the Thirty-second. All elections, whether by the people or in general assembly, shall be by ballot, free and voluntary: And any elector, who shall receive any gift or reward for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect for that time, and suffer such other penalties as future laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such rewards to be elected, shall be thereby rendered incapable to serve for the ensuing year.

Corresponding provisions of subsequent Constitutions:

- Constitution of 1790, Art. III, Sec. 2.
- Constitution of 1838, Art. III, Sec. 2.
- Constitution of 1873, Art. VIII, Secs. 4, 8, 9.

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Section the Thirty-third. All fees, license money, fines and forfeitures heretofore granted, or paid to the governor, or his deputies for the support of government, shall hereafter be paid into the public treasury, unless altered or abolished by the future legislature.

Section the Thirty-fourth. A register's office for the probate of wills, and granting letters of administration, and an office for the recording of deeds, shall be kept in each city and county: The officers to be appointed by the general assembly, removable at their pleasure, and to be commissioned by the president in council.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, { Art. V, Sec. 10.  
Art. VI, Sec. 3.

Constitution of 1838, { Art. V, Sec. 11.  
Art. VI, Sec. 4.

Constitution of 1873, Art. XIV, Sec. 4.

Section the Thirty-fifth. The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. IX, Sec. 7.

Constitution of 1838, Art. IX, Sec. 7.

Constitution of 1873, Art. I, Sec. 7.

Section the Thirty-sixth. As every freeman to preserve his independence, (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility unbecoming freemen, in the possessors and expectants; faction, contention, corruption, and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation: And whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature.

Section the Thirty-seventh. The future legislature of this state, shall regulate intails in such a manner as to prevent perpetuities.

Section the Thirty-eighth. The penal laws as heretofore used shall be reformed by the legislature of this state, as soon as may be, and punishments made in some cases less sanguinary, and in general more proportionate to the crimes.

Section the Thirty-ninth. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary; houses

ought to be provided for punishing by hard labour, those who shall be convicted of crimes not capital; wherein the criminals shall be employed for the benefit of the public, or for reparation of injuries done to private persons: And all persons at proper times shall be admitted to see the prisoners at their labour.

Section the Fortieth. Every officer, whether judicial, executive or military, in authority under this commonwealth, shall take the following oath or affirmation of allegiance, and general oath of office before he enters on the execution of his office.

#### THE OATH OF AFFIRMATION OF ALLEGIANCE.

I.....do swear (or affirm) that I will be true and faithful to the commonwealth of Pennsylvania: And that I will not directly or indirectly do any act or thing prejudicial or injurious to the constitution or government thereof, as established by the convention.

#### THE OATH OR AFFIRMATION OF OFFICE.

I.....do swear (or affirm) that I will faithfully execute the office of.....for the.....of.....and will do equal right and justice to all men, to the best of my judgment and abilities, according to law.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. VIII.

Constitution of 1838, Art. VIII.

Constitution of 1873, Art. VII, Sec. 1.

Section the Forty-first. No public tax, custom or contribution shall be imposed upon, or paid by the people of this state, except by a law for that purpose: And before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clearly to the legislature to be of more service to the community than the money would be, if not collected, which being well observed, taxes can never be burthens.

Section the Forty-second. Every foreigner of good character who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land or other real estate; and after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this state, except that he shall not be capable of being elected a representative until after two years residence.

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Section the Forty-third. The inhabitants of this state shall have liberty to fowl and hunt in seasonable times on the lands they hold, and on all other lands therein not inclosed; and in like manner to fish in all boatable waters, and others not private property.

Section the Forty-fourth. A school or schools shall be established in each county by the legislature, for the convenient instruction of youth, with such salaries to the masters paid by the public, as may enable them to instruct youth at low prices: And all useful learning shall be duly encouraged and promoted in one or more universities.

Corresponding provisions of subsequent Constitutions:

Constitution of 1790, Art. VII, Sec. 1.

Constitution of 1838, Art. VII, Sec. 1.

Constitution of 1873, Art. X, Sec. 1.

Section the Forty-fifth. Laws for the encouragement of virtue, and prevention of vice and immorality, shall be made and constantly kept in force, and provision shall be made for their due execution: And all religious societies or bodies of men heretofore united or incorporated for the advancement of religion or learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates which they were accustomed to enjoy, or could of right have enjoyed, under the laws and former constitution of this state.

Section the Forty-sixth. The declaration of rights is hereby declared to be a part of the constitution of this commonwealth, and ought never to be violated on any pretence whatever.

Section the Forty-seventh. In order that the freedom of the commonwealth may be preserved inviolate forever, there shall be chosen by ballot by the freemen in each city and county respectively, on the second Tuesday in October, in the year one thousand seven hundred and eighty-three, and on the second Tuesday in October, in every seventh year thereafter, two persons in each city and county of this state, to be called the Council of Censors; who shall meet together on the second Monday of November next ensuing their election; the majority of whom shall be a quorum in every case, except as to calling a convention, in which two thirds of the whole number elected shall agree: And whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part; and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are intitled to by the constitution: They are also to enquire whether the public taxes have been justly laid and collected in all parts of this commonwealth, in what manner the public monies have been disposed of,

and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers, and records; they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the constitution. These powers they shall continue to have, for and during the space of one year from the day of their election and no longer: The said council of censors shall also have power to call a convention, to meet within two years after their sitting, if there appear to them an absolute necessity of amending any article of the constitution which may be defective, explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people: But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

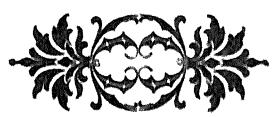
Corresponding provisions of subsequent Constitutions:

Constitution of 1838, Art. X.

Constitution of 1873, Art. XVIII, Sec. 1.

Passed in Convention the 28th day of September, 1776, and signed by their order.

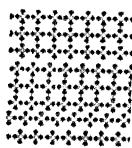
BENJ. FRANKLIN, Pres't.



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**CONSTITUTION**  
OF THE  
**United States of America**

1789.



## CONSTITUTION OF THE UNITED STATES.

The constitution of the United States went into operation on the first Wednesday of March, 1789. Congress by a resolution adopted February 21, 1787, proposed a convention and the legislatures of the several states, with the exception of Rhode Island, promptly appointed delegates. On May 25 of 1787, delegates from seven states convened. George Washington of Virginia was chosen president of the convention. The convention immediately commenced the consideration of the proposed constitution. On September 17, 1787, the constitution was engrossed and agreed to and was signed by all the members present except Mr. Garry of Massachusetts and Messrs. Mason and Randolph of Virginia. The constitution as framed was transmitted to Congress and by it, on September 28, 1787, directed to be transmitted to the legislatures of the several states. It was ratified by conventions in the several states as follows:

1. Delaware, December 7, 1787.
2. Pennsylvania, December 12, 1787.
3. New Jersey, December 18, 1787.
4. Georgia, January 2, 1788.
5. Connecticut, January 9, 1788.
6. Massachusetts, February 6, 1788.
7. Maryland, April 28, 1788.
8. South Carolina, May 23, 1788.
9. New Hampshire, June 21, 1788.
10. Virginia, June 26, 1788.
11. New York, July 26, 1788.

Subsequently the constitution was ratified by North Carolina on November 21, 1789; by Rhode Island on May 28, 1789 and by Vermont January 10, 1789. Vermont was admitted as a State, February 19, 1791.



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## THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

**Preamble.** We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity; do ordain and establish this Constitution for the United States of America.

### ARTICLE I.

**Sec. 1. Legislative Power.** All legislative Power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**Sec. 2. House of Representatives: Members, Officers and Apportionment. Direct Taxes. Census. Impeachment.** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of Twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four,

1789, U. S., Article I.

Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

(Note: The provision of this section enclosed in brackets is amended by section two of the fourteenth amendment. See Amendments, Article XIV.)

Sec. 3. Senate. Members and Their Classification. Officers. Vice President to be President of Impeachment. [The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.]

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]

No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath of Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States; but the

1789, U. S., Article I.

Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

(Note: The provisions of this section enclosed in brackets have been superseded by the seventeenth amendment. See Amendments, Article XVII.)

**Sec. 4. Congressional Elections. When Congress to Assemble.** The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

**Sec. 5. Each House to Judge of Election and Qualification of Members. Quorum. Rules. Journals. Adjournment.** Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

**Sec. 6. Compensation and Privileges of Members. Incompatible Offices.** The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments

1789, U. S., Article I.

whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

**Sec. 7. Revenue Bills. Manner of Passing Bills. Veto Power, Orders, Resolutions, Etc. to Be Passed on by President.** All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

**Sec. 8. General Powers of Congress.** The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

1789, U. S., Article I.

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the State of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States or in any Department or Officer thereof.

(Note: The sixteenth amendment gives Congress power to lay and collect taxes on incomes. See Amendments, Article XVI.)

Sec. 9. Powers Denied to Congress. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

1789, U. S., Article I.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration hereinbefore directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No title of Nobility shall be granted by the United States: And no Person holding any office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

**Sec. 10. Restrictions on Powers of States.** No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## ARTICLE II.

Sec. 1. Executive Power. Presidential Electors. Qualifications  
 President. Vacancy. Compensation. Oath. The executive power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

1789, U. S., Article II.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

(Note: The clause of this section enclosed in brackets has been superseded by the twelfth amendment, which amendment also prescribes the qualifications for the office of Vice President. See Amendments, Article XIII.)

**Sec. 2. President to Be Commander-in-Chief of Army and Navy.**  
**General Powers.** The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but

1789, U. S., Article III.

the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

**Sec. 3. Additional Powers and Duties of President** He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

**Sec. 4. Civil Officers Removable by Impeachment.** The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

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ARTICLE III.

**Sec. 1. Judicial Power. Term and Compensation of Judges.** The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

**Sec. 2. Jurisdiction of Courts. Trial by Jury.** The judicial power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States, —between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

1789, U. S., Article IV.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases, before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

(Note: This section in so far as it relates to the jurisdiction of the courts has been abridged by the eleventh amendment. See Amendments, Article XI.)

**Sec. 3. Treason.** Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person Attainted.

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ARTICLE IV.

**Section 1. States to Give Full Faith and Credit to Acts and Records of other States.** Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

**Sec. 2. Privileges of Citizens. Extradition.** The citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

1789, U. S., Article V.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

(Note: Slavery was abolished by the thirteenth amendment. See Amendments, Article XIII.)

**Sec. 3. New States. Regulations Concerning Territory.** New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

**Sec. 4. Republican Form of Government Guaranteed to States. Invasion.** The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

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ARTICLE V.

**Amendments to Constitution.** The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided that no Amendment which may be made prior to the Year One Thousand eight hundred and eight shall in any Manner effect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal suffrage in the Senate.

1789, U. S., Article VI.

## ARTICLE VI.

Debts of the Confederation. Constitution, Laws and Treaties to be Supreme. Oath of Officers. No Religious Test. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States shall be bound by Oath or affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

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## ARTICLE VII.

When Constitution To Be Ratified. The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

Go. WASHINGTON --

President and deputy from Virginia.

Attest

WILLIAM JACKSON, Secretary.

New Hampshire.

JOHN LANGDON.

NICHOLAS GILMAN.

1789, U. S.

Massachusetts.

NATHANIEL GORHAM. RUFUS KING.

Connecticut.

WM. SAML. JOHNSON. ROGER SHERMAN.

New York.

ALEXANDER HAMILTON.

New Jersey.

WIL. LIVINGSTON. WM. PATTERSON.  
DAVID BREARLEY. JONA: DAYTON.

Pennsylvania.

B. FRANKLIN. THOS. FITZSIMMONS.  
THOMAS MIFFLIN. JARED INGERSOLL.  
ROBT. MORRIS. JAMES WILSON.  
GEO. CLYMER. GOUV MORRIS.

Delaware.

GEO: READ. RICHARD BASSETT.  
GUNNING BEDFORD, Jun. JACO: BROOM.  
JOHN DICKINSON.

Maryland.

JAMES McHENRY. DANL. CARROLL.  
DAN OF ST. THOS. JENIFER.

Virginia.

JOHN BLAIR. JAMES MADDISON, Jr.

North Carolina.

WM. BLOUNT. LU. WILLIAMSON.  
RICH. DOBBS SPAIGHT.

South Carolina.

J. RUTLEDGE. CHARLES PINCKNEY.  
CHARLES COTESWORTH PINCKNEY. PIERCE BUTLER.

Georgia.

WILLIAM FEW. ABR. BALDWIN.

Attest:

WILLIAM JACKSON, Secretary.

1789, U. S., Amendments.

AMENDMENTS.

AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURE OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE I.

**Freedom of Religion, Speech and Press.** Right of Petition. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

**Right of People to Bear Arms.** A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III.

**Quartering of Troops.** No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

**Persons and Houses to be Secure From Unreasonable Searches and Seizures.** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

**Trials for Crimes. Compensation for Private Property Taken for Public Use.** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of

1789, U. S., Amendments.

life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

**Rights of Accused Persons in Criminal Prosecutions.** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

ARTICLE VII.

**Rights in Civil Suits.** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.

**Excessive Bail, Fines and Punishments Prohibited.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

**Reserved Rights of People.** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

**Powers not Delegated, Reserved to States and People.** The powers now delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

(Note: The first ten amendments to the Constitution were submitted to the legislatures of the several States by a resolution of Congress passed September 25, 1789. They were finally adopted December 15, 1791.)

1789, U. S., Amendments.

ARTICLE XI.

Judicial Power Restricted. The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

(Note: The eleventh amendment to the Constitution was submitted to the legislatures of the several States by a resolution of Congress passed September 5, 1794, and on January 8, 1798 was declared by the President in a message to Congress to have been adopted by the legislatures of three fourths of the States.)

ARTICLE XII.

Mode of Electing President and Vice President by Electors. The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no persons have

1789, U. S., Amendments.

a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

(Note: The twelfth amendment to the Constitution was submitted to the legislatures of the several States by a resolution of Congress passed on December 12, 1803 and was ratified by three-fourths of the States in 1804 according to a proclamation of the Secretary of State, dated September 25, 1804).

ARTICLE XIII.

Sec. 1. Slavery Prohibited. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress Given Power to Enforce Article. Congress shall have power to enforce this article by appropriate legislation.

(Note: The thirteenth amendment to the Constitution was submitted to the legislatures of the several States by a resolution of Congress passed February 1, 1865, and was adopted, according to a proclamation of the Secretary of State dated December 18, 1865).

ARTICLE XIV.

Sec. 1. Citizenship Defined. Privileges of Citizens. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Apportionment of Representatives. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way

**1789, U. S., Amendments.**

abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**Sec. 3. Disqualification for Office. Removal of Disability.** No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

**Sec. 4. Public Debt not to be Questioned. Payment of Debts and Claims Incurred in Aid of Rebellion Forbidden.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

**Sec. 5. Congress Given Power to Enforce Article.** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

(Note: The fourteenth amendment to the Constitution was submitted to the legislatures of the several States by a resolution passed June 16, 1866, and was adopted according to a proclamation of the Secretary of State, dated July 28, 1868.)

**ARTICLE XV.**

**Sec. 1. Right of Certain Citizens to Vote Established.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude.

**Sec. 2. Congress Given Power to Enforce Article.** The Congress shall have power to enforce this article by appropriate legislation.

(Note: The fifteenth amendment to the Constitution was submitted to the legislatures of several States by a resolution of Congress passed February 27, 1869 and was adopted according to a proclamation of the Secretary of State, dated March 30, 1870).

1789, U. S., Amendments.

ARTICLE XVI.

Congress Given Power to Lay and Collect Taxes on Incomes. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

(Note: The sixteenth amendment to the Constitution was submitted to the legislatures of the several States by a resolution of Congress, passed July 12, 1909, and was adopted according to a proclamation of the Secretary of State dated February 25, 1913.)

ARTICLE XVII.

Election of United States Senators. Filling of Vacancies. Qualifications of Electors. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

(Note: The seventeenth amendment to the Constitution was submitted to the legislatures of the several States by a resolution of Congress passed May 15, 1912, and was adopted according to a proclamation of the Secretary of State, dated May 31, 1913.)

**Art. XVIII. Sec. 1. Liquor for Beverage Purposes Prohibited.** After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

**Sec. 2. Concurrent Power to Enforce Article.** The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

**Sec. 3. Inoperative Unless Ratified Within Seven Years.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

(Note: The eighteenth amendment to the Constitution was submitted to the legislatures of the several States by resolution of Congress passed December 18, 1917, and was adopted according to a proclamation of the Secretary of State, dated January 29, 1919.)

**Art. XIX. Women's Suffrage.** The right of citizens of United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

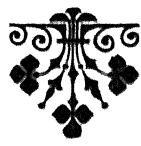
(Note: The nineteenth amendment to the Constitution was submitted to the legislatures of the several States by resolution of Congress passed June 4, 1919, and was adopted according to a proclamation of the Secretary of State, dated August 26, 1920.)





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